

**Judicial Authority – The Strategy of Building  
2012–2014**

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## **A Word from the Chief Justice**

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## Introduction

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“We will not be able to enhance Jordan and develop it economically and socially without advancing the judiciary.”

His Majesty King Abdullah II  
3 June 2007

The preparation of the Judicial Authority Strategic Plan for the years 2012 - 2014 did not come from a vacuum. It is the natural outcome of the social, economic and democratic development that the Kingdom is witnessing. It also comes from the need to keep abreast with these developments and changes through a comprehensive reform movement in Jordan. This reform provided an environment conducive for enhancing the stature of the judiciary, its independence, and unity such that it always remains capable of fulfilling its enlightened mission and carrying out its solemn duties of protecting the rights of citizens- safeguarding their freedoms and instilling the values of justice and equality while entrenching the principle of the rule of law in the Jordanian society.

The climate of reform in Jordan imposed a new reality for the judiciary. This reality was based on several factors; the most important of which relates to the recent Constitutional amendments pertaining to the judicial authority, where such amendments fortified the separation of powers principle and the building of their institutions. The second factor relates to the letter of His Majesty King Abdullah II to the Chief Justice, the head of the Court of Cassation, dated 29 September 2011. In this letter, the King supported the judiciary and its relation with other state institutions, and reinforced His Majesty's commitment towards the safeguarding of the principle of the separation of powers enshrined in the Jordanian Constitution.

These factors are considered important milestones in the history of the judicial authority, not only because they focus on the independence of the judicial authority, but also because they emphasized the independence of the individual judge in issuing his/her judgment and confined the hiring of judges to the Judicial Council. They also stressed the cooperation between the three powers- the legislative, judicial and the executive.

These factors formed new realities which necessitated the development of a strategic plan for the judicial authority that guarantees the opening of horizons for development, reform, and the transitioning to a bright future filled with confidence and tranquility in Jordan.

Based on the above, the Judicial Authority worked on developing a three-year Strategic Plan for the judicial authority covering the period 2012 - 2014 which translates the new reality of an independent judicial authority that protects justice and supports reform and national development in our beloved Jordan.

## 2012-2014 Judicial Authority Strategic Development Methodology

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The methodology adopted in the development of the Judicial Authority Strategy for the years 2012 - 2014 was based on the following principles:

- a. Benefit from the general development and reform climate prevailing in Jordan and from recent constitutional amendments related to the Judicial Authority.
- b. Analysis of the Royal letter sent to the Chief Justice and president of the Court of Cassation on 29 September 2011.
- c. Adoption of the analytical and participatory approach of:
  - Involving the largest number of judges to solicit their views and opinions;
  - Analyzing the internal and external environment through adopting the SWOT (strengths, weakness, opportunities and threats) analysis approach along with the legislative and institutional framework of the judicial authority;
  - Having the Judicial Council draft the main objectives and activities;
  - Continuous monitoring and evaluation through the development of key performance indicators (KPIs) and pertinent tools to measure KPIs that were set based on the objectives and activities.

### **a. Benefit from the general development and reform climate prevailing in Jordan and from recent constitutional amendments related to the judicial authority.**

The comprehensive government development plans aimed at setting a progressive vision for Jordan across various levels. The Judicial Authority had a significant share of enhancement plans related to development and modernization. Special attention was paid to the legislative process as being the most important tool in establishing justice among people, preserving their rights, and implementing legislation and laws in an effective, just and objective manner. This was reflected in the amendments made to a number of articles in the constitution which were used as a base for developing the strategic plan. Five articles (articles 27, 98, 100, 101 and 109) of the Constitution were amended that emphasized the independence of the judicial authority and promoted the building of judicial systems within the judiciary in a manner that meets development needs and achievement required in this important branch that plays a pivotal role in a democratic system that is based on the separation of powers and in the process of development in all its forms.

The recent constitutional amendments were used as a primary reference in developing the Judicial Authority Strategic Plan for the years 2012 – 2014 whereby these amendments focused on the independence of the judiciary as an independent authority. The important role the constitutional amendments gave to the judicial authority were also accounted for, whereby said amendments provided regular courts the authority to try ministers and the jurisdiction to decide the candidacy validity of House of Deputies members, as well as

the establishment of a two-level administrative justice system and the trying of civilians before civil courts.

**b. Analysis of the Royal letter sent to the Chief Justice and president of the Court of Cassation on 29 September 2011.**

**The Royal letter sent to the Chief Justice was used as the basis for developing the vision, mission and the main pillars and objectives of the Judicial Authority strategic planning for the coming three years.** Following are the broad guidelines of the Royal directives:

1. His Majesty's vision for a progressive, independent and upright judicial authority that complements all national efforts, safeguards justice, and is the guarantor of equality for all Jordanians before the law.
2. Emphasis on the independence of the Judicial Authority through the endorsement of Constitutional amendments that augment the separation of powers principle guaranteed by the Jordanian Constitution.
3. Reinforce the status of the judiciary through confining the appointment of judges solely to the Judicial Council, according to transparent and specific criteria based on competence and competitiveness as per the Constitutional amendments. Additionally, complete litigation before the Administrative Court involving two levels, so as to augment this basic pillar of justice in litigation between individuals and institutions.
4. Strengthen the capacity of the judiciary and improve various aspects of its institutions, including the provision of human resources and the needed modern technologies; automation is at the forefront of electronically linking courts with other institutions, enhancing efficiency through training, continuous education, and knowledge building. In this context, His Majesty stressed his support for the Future Judges Program that guarantees the continuous building of judicial expertise, that priority be given to training of sitting judges and sending them on advanced and specialized academic scholarships to earn the highest degree of specialization, practical knowledge and exposure to and benefit from high quality regional and international experiences. His Majesty also stressed the need to offer advanced training for quality students to join the judiciary and the prosecution in order to achieve a balance between the number of cases filed at courts and the available number of judges and staff.
5. Improve the judiciary's facilities and infrastructure, to boost its efforts and capacities, and ensure the timely resolution of disputes to safeguard the rights of litigants. This requires the revision of some legislation governing judicial work, aligning the legislation and its amendments with constitutional amendments, to: improve the efficiency of case adjudication, enforce judgments, and reduce caseload before the Courts of Appeal and Cassation by defining the cases that can be brought before these courts.
6. Activate the role of judicial inspection and those in charge of it; provide it with qualified human resources and reinforce the principle of specialization of judges, given that the fast paced developments in the fields of international trade, environment, intellectual property, fighting corruption and domestic violence

- require specialized and comprehensive knowledge be available in all courts and in a manner that guarantees the accumulation of experiences and the enhancement of the quality of judgments.
7. Align the Judicial Authority's efforts with reform plans aimed at enhancing cooperation between the branches of the state, economic reform efforts, improving competitiveness of national economy vis-a-vis other economies, and advancing Jordan as a rule of law country which is conducive for investors.

### **c. Adoption of the analytical and participatory approach**

The Judicial Council followed a number of generally accepted scientific methodologies in preparing the Strategic Plan and setting the vision and mission for the Judicial Authority and the main pillars and objective of the strategic plan.

The participatory approach was adopted by involving the largest possible number of judges in decision making and soliciting their views and opinions. Following are the broad outlines followed in the preparation of the Strategic Plan:

1. Capacity building of the Administrative Units staff to prepare the Judicial Authority Strategic Plan and develop the necessary operational plans. This was done through training the heads and staff of each of the Judicial Council Administrative Units on the principles and methodologies adopted in preparing Strategic Plans. This will enable them to analyze the status of the judiciary through the SWOT analysis technique, and to draft the vision, mission and objectives based upon the vision of His Majesty and the directives of decision makers. They are also enabled to perform a situational analysis and provide the basic knowledge and skills in this regard to support the Judicial Council in the preparation of Strategic Plans for the future.
2. Revision and analysis of achievements under previous Strategic Plans, annual reports issued by the Judicial Council, and published articles and studies for input in creating outlines of the Strategic Plan for the coming three years.
3. Revision and analysis of the status of the judicial authority using the SWOT analysis techniques to identify the areas of strengths and weaknesses as well as the opportunities available to the Judicial Authority for the advancement of its work to the highest levels of performance.
4. Implementation of a needs assessment among courts to solicit the perspective of current chief judges and sitting judges and identify the gap between the status-quo and the objective needs of courts to enable them to carry out their functions and bridge the gap within the framework of the Strategic Plan for the coming years.
5. Held a three – day workshop that was attended by Judicial Council members, chief judges of appeals and first instance courts, attorney generals, and Administrative Unit directors to discuss and endorse the Judicial Authority's vision, mission and strategic pillars and to develop the broad outline of the main objectives and help formulate them to complement the vision and pillars.
6. Involve a large number of specialists and Administrative Units staff in drafting the strategic pillars, the key objectives included in each pillar, and the activities/ programs to help achieve the goals during the time frame of the plan.



7. Prepare a matrix of the pillars, objectives, activities and programs falling under the Strategic Plan; set performance indicators for all pillars and key objectives and the methodology of measurements.
8. Develop a first draft of the Strategic Plan document in preparation for its endorsement and adoption as *the* Strategic Plan to be followed over the next three years.
9. Involving a large number of judges and court staff in preparing the operational plan and setting appropriate implementation timeframes for the activities/programs emanating from the pillars and objectives, defining implementation responsibility, required budgets for each program, implementation mechanism, monitoring, and evaluation.

## Executive Summary

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A scientific methodology was adopted in preparing and endorsing the framework of the Strategic Plan for the coming three years, which constitutes the vision, mission, pillars and main objectives. Such methodology was adopted so that the Strategic Plan would meet the aspirations of Jordan, His Majesty the King's vision, and the ambitions of decision makers in establishing the basis of the independence of the Judicial Authority and building its institutions and supporting national efforts aimed at reform and comprehensive development.

The Judicial Authority Strategy for 2012 - 2014 includes three chapters, a letter from the Chief Justice, an introduction, work methodology and the executive summary. The three chapters include the following:

Chapter I – Diagnostic and Analysis Results of the Status of the Judiciary during the Past Years

Chapter II – Vision, Mission, Pillars, Objectives and Activities of the Judicial Authority Strategic plan for 2012 - 2014

Chapter III – Table of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 - 2014.

### **Chapter I – Diagnostic and Analysis Results of the Status of the Judiciary during the Past Years**

The components of the internal and external environment of the Judicial Authority were analyzed as a basis for building the 2012 - 2014 Strategic Plan. The analysis covered:

1. Status quo analysis of the Judicial Authority
2. Achievements under previous Strategic Plans
3. Components of the legislative and institutional framework of the Judiciary
4. Components of the environments of key judicial authority stakeholders and beneficiaries of its services
5. Conduct the (SWOT) analysis to derive key areas of strengths, weakness, opportunities and threats.

#### **• Diagnostic Assessment Results of the Judicial Authority Achievements in Terms of Strengths, Weakness, Opportunities and Threats**

- **Strengths:** Areas of strength during the implementation of strategy plans pertaining to the institutional framework of the Judicial Authority were as follows:

- Strong political will for reform
- Solid base and reference as a result of the accumulation of good achievements resulting from previous Strategic Plans
- Availability of a strong institutional structure and a longstanding history of the Judicial Authority
- The existence of qualified expertise that help in the development of an advanced strategy for the Judicial Authority

- **Weaknesses:** Results showed several weaknesses during the implementation of programs, the most important of which pertain to insufficient follow-up and evaluation during the implementation phase as well as weak links with official and unofficial entities, particularly the media. Other weaknesses that were identified included:
  - Weak implementation and follow-up of programs included in the Strategic Plans
  - Lack of coordination in developing relations with local, regional and international stakeholders of the Judicial Authority and the Ministry of Justice
  - Limited education and awareness programs targeting civil society and the public on the role of the Judicial Authority and the rule of law principle
  - Absence of strategic media efforts by the Judicial Authority targeting the public and the media
  - Lack of methodology to provide the necessary legal education in Jordanian education institutions
  - The weak role of the Judicial Authority in communicating and collaborating with the Jordanian Bar Association and in advancing the legal profession
  - The weak role of the Judicial Authority in communicating with law schools at Jordanian universities and supplying its libraries with specialized legal research papers and studies
  - Delay in providing courts with documents issued by government bodies that are needed in litigation procedures
  - Automation of execution department and the electronic archiving system was not implemented
  - Lack of qualified staff in judicial execution departments
  - Absence of a procedures manual for working with different enforcement cases in courts
  - Lack of compliance with proper notification procedures
  - Lack of comprehensive and updated libraries in all courts and justice sector establishments
  - Failure of many judicial facilities and infrastructure to project the important status and role of the judiciary in society
  - Weak activation of communication channels between the courts and justice institutions on one hand and other relevant government institutions, such as the Department of Lands and Survey, banks, the Ministry of Industry and Trade . . . etc, on the other
  - Absence of general policies that guarantee tenure for judges
- **Opportunities and Threats:** Results showed that the main opportunities for the Judicial Authority to develop and advance the reform is first the royal patronage and support of the judiciary and its role; second the existence of political will; and third, the concerted national efforts,

including that of the executive and legislative branches, and their interaction with the movement of development and reform. The challenges that faced the implementation of programs and activities falling under previous strategic plans can be summarized as follows:

- Lack of complete independence of the judiciary, particularly in relation to finance, human resources and infrastructure
- Weak local, regional and international relations with the Judicial Authority.
- Lack of cooperation of local media organizations in spreading the rule of law culture and building awareness on the role of the judiciary in achieving justice for the public
- Lack of cooperation of state institutions, syndicates and civil society organizations in achieving the vision and mission of previous justice sector strategic plans

- **Diagnostic Assessment and Analysis of the Legislative Framework Governing the Judicial Authority**

The legislative framework was analyzed by describing the status quo of legislation regulating the judicial work and determining the points of strength and weakness, as well as opportunities and threats. This was done in order to define the legislative needs for the work of the Judicial Authority in order to enhance them. Additionally, pivotal issues, which the strategic plan will tackle, were also defined.

- **Strengths in Relation to the Legislative Framework**

Results showed that the key points of strength pertaining to the legislative framework of the Judicial Authority lie in the presence of high flexibility in dealing with new developments, constitutional amendments and the comprehensive reform movement the Judicial Authority is currently witnessing. Other strengths are summarized as follows:

- The Royal vision for an independent Judicial Authority and the personal independence of judges, where the Judicial Authority serves as the guardian of justice and complements national efforts with a balanced separation of powers.
- Confirmation of the Jordanian Constitution on the individual independence judges; judges are independent and not subject to any authority except that of the law.
- The existence of a Judicial Council that represents the Judicial Authority which is independent from the executive and legislative branches, and which oversees the affairs of judges in terms of appointment, duties, promotion, transfer, secondment, resignation and trial and discipline.
- Work is underway for the issuance of an Administrative Justice Law that includes the establishment of a two-level administrative judiciary.

- Development of an amended Administrative Units Regulation.

- **Weaknesses in Relation to the Legislative Framework**

Several weaknesses were identified in the legislative framework; the most important of which relates to legislation regulating the work of the Judicial Authority and its institutions, which are predominantly old and require development and updating to become congruent with the developments taking place in the judicial field. Following are the key weaknesses identified in this regard:

- Legislation that affects the personal independence of judges
- Laws and legislation that regulate court operations are not improving its functions
- Absence of a legislative framework that establishes a relation between the Judicial Authority and the Ministry of Justice in infrastructure development of courts, court staff development and enhancement of support functions
- Lack of a law specific to public prosecution
- Legislation governing judicial inspection is not in line with its required roles
- Absence of specialization among the public prosecutors
- There is a need for developing legislation that regulates the work of the prosecution body
- Weak coordination and collaboration between the public prosecution and security apparatuses and relevant state institutions
- There is a need for enhancing the law governing the promotion of judges in order to develop their performance
- Legislation related to litigation procedures does not encourage the expedited settlement of cases

- **Diagnostic Assessment of the Institutional Framework of the Judicial Authority**

The institutional framework analysis included defining the status quo under which the judicial authority functions, identifying areas of strengths and weaknesses among each of the institutions falling under the Judicial Authority and the Ministry of Justice (regular courts, Judicial Council, Judicial Inspection, Public Prosecution, State Lawyer Department, Technical Office, Judicial Institute, and the Administrative Units). Following is the summary of the key areas of strengths and weaknesses pertaining to the institutional framework in general, as well as the opportunities and threats facing it:

- **Strengths in Relation to the Institutional Framework**

- Availability of mediation departments as an alternative dispute-resolution mechanism
- Separation of civil and criminal judges in First Instance, Appeals and Cassation Courts

- Availability of a media and awareness building strategy adopted by the Administrative Units (falling under the Judicial Council)
- Constitutional Amendments
- Coherence and shared vision among Judicial Council members
- The high competence and longstanding experience of the Chief Justice and Judicial Council members that helps to manage the Judicial Authority effectively and ably
- The high level of competence, experience and integrity among members of the Judicial Inspection body which guarantees accuracy in judging performance
- The presence of criteria that govern the Judicial Inspection body based on performance assessment
- Public prosecutors are well-versed in relevant laws
- Qualified judges at the Technical Office
- Candidates with exceptional qualifications study at the Judicial Institute of Jordan
- Existence of training and preparatory programs for Administrative Units staff

○ **Weaknesses in Relation to the Institutional Framework**

- Weak development and enhancement plans for the Notary Public Department, units providing certification of no criminal convictions, notifications departments, information services and coordination officers at courts
- Variations between courts in procedures adopted and level of services provided to the public
- Judicial specialization is not adopted in all courts
- The establishment of mediation departments in all First Instance courts has not been completed
- Absence of the necessary infrastructure and technical means at conciliation courts
- Weak implementation and follow-up of Strategic Plan programs
- Weak application of good governance principles and quality assurance systems
- The Judicial Inspection is under the Ministry of Justice
- There is no full compliance among the Judicial Inspection body with the endorsed Judicial Inspection criteria covering the legal and behavioral aspects of judges
- Lack of specialization in the Judicial Inspection function
- Judicial inspection is only linked to promotion
- The Chief Judge has no role in the performance evaluation of judges
- There are no clear rules and basis for the selection of Prosecutors
- Specialization with the Prosecution body is not implemented

- Weak relations between the public prosecution, police departments, judicial enforcement, rehabilitation, and correctional facilities
- Weakness in the method and ways of appointing State Lawyer assistants
- Lack of judges at the Technical Office
- Incompatibility between training courses and the career path for judges and staff
- Training programs are weak in terms of meeting the training needs of judges and staff
- No technical training in specialized areas
- Weak training programs targeting Administrative Units staff in all topics
- Weak awareness among judges of the Administrative Units role within the Judicial Authority.

- **Opportunities and Threats in Relation to the Legislative and Institutional Frameworks**

The opportunities available for developing the judiciary, enhancing its performance and instilling institutional and legislative independence of the judiciary and the individual independence of the judges, are enormous and on solid ground. These opportunities relate to the current environment that supports the Judicial Authority, enhancing its performance according to latest standards as the guardian of justice and complementary to national efforts towards comprehensive reform including constitutional amendments and sustainable development. In addition, the pursuit of establishing the independence of the judiciary opens wide horizons towards efficient justice under a rule of law state; if justice is the basis of governance, the independence of the judiciary is the foundation of justice.

As for the challenges facing the judicial authority, they are numerous and keep surfacing as a result of the technological and informational development and the emergence of economic, financial, political and social complexities that continually require new legislation and require judicial specialization and specialized judges capable of resolving specialized cases brought before them. Following are the opportunities and threats facing the judiciary:

- **Opportunities in Relation to the Legislative and Institutional Frameworks**

- Constitutional amendments emphasize the independence of the Judicial Authority
- His Majesty's vision for the independence of the judicial authority in all its resources and operations
- Amending relevant legislation in a manner congruent with the independence requirements of the Judicial Authority
- Enhanced awareness of the importance of the justice sector and its main functions and services

- Presence of a conducive national environment for increasing effective communication between the Judicial Authority, its institutions, and the other relevant government entities whose work is related to that of the judiciary
  - Presence of a favorable environment for communicating and working with the Jordanian Bar Association to advance the legal profession in Jordan
  - The potential for collaborating with media of all forms to implement legal education and awareness programs, highlight the role of the Judicial Authority and the rule of law, and underline the role of the judiciary in building and developing the Jordanian society
  - Benefit from advanced Arab and international experiences in the development of court operations
  - Availability of donor agencies
- **Threats in Relation to the Legislative and Institutional Frameworks**
    - The budget and resources of the Judicial Authority fall under the ambit of the Ministry of Justice
    - The appointment and management of the support staff at courts falls under the Ministry of Justice
    - Infrastructure development and management are out of the Ministry of Justice functions
    - Judicial inspection falls under the Ministry of Justice
    - Members of the public prosecution body are administratively linked to the Ministry of Justice
    - The Judicial Institute of Jordan is linked to the Ministry of Justice
    - Weak awareness among civil society and the public of the role of the Judicial Authority and the concept of the rule of law

## **Chapter II – Vision, Mission, Pillars, Objectives and Activities of the Judicial Authority Strategic Plan for 2012 - 2014**

The methodology for developing the Strategic Plan was built such that it would be in line with the constitutional amendments and embodies the vision of His Majesty towards an independent judicial authority. It was also based on the principle of partnership in decision-making related to the vision and mission of the judicial authority, the linking of strategic objectives with the aspirations and goals of decision makers within the judiciary, and their focus of defining the strategic tracks for the coming three years.

The outcome of activities carried out during the preparation of the Strategic Plan, was the endorsement of the vision, mission, pillars and key objectives of the Judicial Authority Strategic Plan by the highest levels within the Judicial Authority as follows:

- **Judiciary's Vision for the Strategy of Building (2012 - 2014)**



The vision was drafted in line with the vision of His Majesty- towards an independent judiciary that meets the future aspirations of decision makers within the judiciary and that takes into account Strategic Plan components which include the vision and mission on one hand and the Strategic Pillars and objectives on the other.

**Vision: “An independent Judicial Authority that safeguards justice, complements national efforts and enhances public confidence.”**

Following are the key features of the strategic vision of the judiciary:

1. The vision emphasized the independence of the judiciary, as one of the three branches of the state, and on equal footing with the executive and legislative powers. The independence of the Judicial Authority and the balanced separation of powers are closely linked to the issue of justice and the rule of law in the society and are considered the safety valve of litigants. The relation between judicial independence and justice (the guardian of justice) is inseparable.
2. The vision of the Judicial Authority defined the complementary relationship between judicial development, judicial independence and the application of justice for all principles, with national economic reform efforts, increased competitiveness of national economy, integrated development, and the advancement of Jordan as a rule of law country which assures investors of the quality of the judicial system.
3. The vision also focused on the importance of gaining public confidence in the judiciary and accounting for public opinion, requiring the continuous monitoring of its trends vis-à-vis the judiciary, its justice, its speedy resolution of cases and the granting of each his/her rights within a rule of law state.

- **Judiciary’s Mission for the Strategy of Building (2012-2014)**

The mission of the Judicial Authority included the enhancement of the performance level of courts through a competent and independent institutional framework and qualified and specialized cadres, which would support judicial independence and integrity. A judicial system that delivers justice in a highly effective and timely manner establishes a basis for public confidence and respect for the rule of law.

**Mission: A fair, impartial, competent, effective and outstanding Judicial Authority, trusted by the society and is the guarantor of rights and freedoms, founded on the rule of law and the state’s powers, supporting reform and integrated development efforts through an institutional framework, with qualified and specialized human resources”.**

Attributes of the Judicial Authority’s mission:

1. Emphasis on the principle of the rule of law, the timely disposition of cases, resorting to law in the resolution of disputes, guaranteeing the rights and freedoms of individuals, and enhancing public confidence in the fairness and integrity of the Judicial Authority.
2. Complementarity of work between the state entities and the Judicial Authority in support reform and integrated development efforts.

3. The Judicial Authority's vision and mission is implemented through its institutions and qualified and specialized human resources.

- **Pillars and Main Objectives Under Each Pillar of the Judicial Authority Strategic Plan for the Years 2012 - 2014**

Based on the study and review of the status quo of the judiciary through the SWOT analysis, the areas of strength, weakness and threats that face the judiciary during its long course, which is rich with achievements, were identified. Furthermore, the opportunities available for development and staying current with the new developments in laws governing economic, political and social life and the constitutional reform movement the country is witnessing, were also examined.

Six pillars were endorsed as the main goals of “the building of the Judicial Authority Strategy” for the coming three years (2012 - 2014) such that they would be complementary to the vision and mission, translate His Majesty's vision for an independent judiciary, and respond to the legislative and institutional requirements of an independent judicial authority. A number of objectives emanated from each pillar:

**Pillar (1) – Set the Principles of Judicial Independence and Build its Institutions**

1. Enhance institutional independence of the judiciary
2. Provide a judicial environment supportive of the individual independence of judges.
3. Strengthen the capacity of the Judicial Inspection body and develop its work methodology.
4. Build the institutional capacity of the Judicial Institute of Jordan
5. Strengthen and enhance the role of Administrative Units to support the work of the Judicial Council
6. Strengthen and develop the Technical Office
7. Strengthen and develop the capacity of the State Lawyer Department

**Pillar (2) – An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence**

1. Enhance the capacity of judges by building their knowledge and skills
2. Develop the monitoring and accountability system of the Judicial Inspection according to objective and effective basis
3. Improve the quality of court judgments
4. Reduce litigation time
5. Guarantee the speedy enforcement of completed cases to achieve timely justice
6. Reduce the caseload of courts and improve its performance
7. Develop the administrative justice system

**Pillar (3) – Achieve an Efficient Criminal Justice System According to Latest Criteria**

1. Strengthen the public prosecution body and enhance the capacity of its judges
2. Develop the “criminal justice” system

3. Institutionalize the relation between the public prosecution and security apparatuses and other relevant institutions
4. Develop and modernize legislation governing the work of the public prosecution
5. Develop the legislation governing criminal trial proceedings

**Pillar (4) – Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

1. Establish a complementary institutional relation between the Ministry of Justice and the Judicial Authority based on constitutional amendments and developing pertinent draft laws
2. Put mechanisms in place to coordinate the relationship between the Ministry of Justice and the Judicial Authority that covers:
  - Annual budget
  - Court infrastructure and services
  - Court support staff
  - Public and international relations
  - Information technology and communication
  - Other development projects
3. Guarantee the implementation of the Strategic Plan of each of the Judicial Authority and the Ministry of Justice
4. Enhance the services provided to the public at courts in coordination with the Ministry of Justice

**Pillar (5) – Enhance Communication Channels between the Judicial Authority and Other Institutions**

1. Institutionalize cooperation with the Jordanian Bar Association
2. Enhance cooperation and coordination with law schools
3. Enhance cooperation and coordination with civil society organizations
4. Activate and develop relations with the media
5. Develop work procedures with government institutions and security apparatuses

**Pillar (6) – Contribute to Building Public Confidence in the Rule of Law**

1. Contribute to guaranteeing access to justice
2. Contribute to integrating the legal culture within the educational systems
3. Contribute to building public awareness on the role of the Judicial Authority and its judicial upgrade efforts
4. Contribute to building awareness of citizen's rights, duties, basic freedoms and their equality before the law under a rule of law state

**• Performance Indicators and their Measurement**

Performance indicators are considered one method of measuring the success of the Judicial Authority in achieving its set goals through the strategy that outlined the vision of the Judicial Authority, which is the vision of His Majesty King Abdullah II, and the main pillars, goals and activities and programs emanating from it. Performance indicators pertinent to the Judicial Authority were set based on the nature of the functions and roles

entrusted to it, and which are reflected in the Judicial Authority Strategic Plan and its measurement tools.

### **Chapter III – The Matrix of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 - 2014**

The matrix links objectives to the legislative program, the training programs, and programs related to institutional capacity building, human resources, the studies, research, plans and opinion surveys program, and the education and awareness program for each pillar of the Judicial Authority Strategy for the years 2012 – 2014.

## **Chapter 1**

# **Status Quo Analysis for the Judicial Authority Strategic Plan for the Years 2012 – 2014**

## **Status Quo Analysis for the Judicial Authority Strategic Plan for the Years 2012 – 2014**

The strategic analysis of the Judicial Authority's internal and external environments comes as a basic phase in the development of the 2012- 2014 Strategic Plan. The diagnostic analysis phase covered:

1. Status quo analysis of the Judicial Authority
2. Achievements under previous Strategic Plans
3. Components of the legislative and institutional framework of the judiciary
4. Components of the environment of key judicial authority stakeholders and beneficiaries of its services
5. Conduct the (SWOT) analysis to derive key areas of strengths, weakness, opportunities and threats

The Strategic Planning team used the following as a reference in conducting said analysis:

1. Analysis of the outcome of previous Strategic Plans
2. The outcome of the Needs of Courts Workshop that was conducted during 24–25/9/2011 and was attended by H.E. the Chief Justice, H.E. the Minister of Justice, Chief Judges of appeals and First Instance courts, and the heads and staff of the Judicial Council Administrative Units
3. In conducting the analysis, the Strategic Planning team used the outcomes of the workshops and the brainstorming sessions that were implemented by the Judicial Council Administrative Units team for analyzing the internal and external environment of the Judicial Authority. The outcomes of the analysis came in line with the status quo, which was conducted by focusing on all areas of weakness and opportunities rather than highlighting strengths and challenges

The strategic gap between the status quo and the future vision of the Judicial Authority was identified. In addition, the key areas and strategic issues pertinent to the future of the Judicial Authority were also defined. Following are the outcomes of the strategic diagnostic analysis:

### **First: Diagnostic Assessment of Past Achievements:**

When His Majesty King Abdullah II assumed power, he gave the Judicial Authority special attention. When comprehensive development plans were launched in Jordan, the plans covered the Judicial Authority. His Majesty ordered, on 29/ 8/ 2000, the formation of the Royal Committee for Judicial Development, to assess the situation of the judiciary in Jordan and provide recommendations for enhancing the legal and institutional capacity of the judiciary in accordance with best international practices.

#### **1. Analysis of the Judicial Status Quo through the Implementation of its Strategic Plans**

In response to the Royal initiative to develop the judiciary through the Royal Committee which was formed for this purpose, the Ministry of Justice launched a

series of Strategic Plans. These plans aimed at developing the judiciary, enhancing its performance, reducing load on judges, shortening litigation duration, developing the monitoring and accountability system of Judicial Inspection, modernizing court infrastructure and instilling principles of justice and equality, among others. Following are the main features of these plans:

- a. **The Three-year Strategic Plan for the Years 2001 – 2003:** The three-year Strategic Plan for developing the judiciary reflected His Majesty's vision for enhancing the judiciary, which he outlined through the Royal letter sent to the Prime Minister on 29/ 8/ 2000 in which he tasked him to form a Royal Committee concerned with upgrading the judiciary and its support functions.
- b. **Judicial Upgrading Strategy for the Years 2004 – 2006:** The Judicial Upgrading Strategy (JUST) for the years 2004 – 2006 reflected His Majesty's vision for the judiciary and education to be the basis for the future of democracy, political and economic reform, and sustainable development. It focused on improving the overall performance of the judiciary in Jordan, enhancing its role in supporting civil society and economic competitiveness of Jordan, while at the same time safeguarding its independence and integrity. Around 600 projects emanated from the strategy, some of which were implemented and some are still under implementation. The strategy was presented at the First Judicial Conference in June 2004, and included such pillars as Judicial Integrity and Independence; the Enhancement of the Judicial System; Efficiency and Effectiveness; and Judicial Inspection and Monitoring.
- c. **Judicial Upgrading Strategy for the Years 2007 – 2009:** The Judicial Upgrading Strategy (JUST) for the years 2007 – 2009 aimed at enhancing the efficiency of litigation procedures and the enforcement of judgments, continuing programs that promote judicial independence, national competitiveness of Jordan's economy, and alignment with best international practices; as well as building the capacity of the Ministry of Justice. These objectives were based on the agreed-upon national priorities that came in the We Are All Jordan document and the National Agenda programs. The Plan included activities such as the reduction of caseloads at courts through the establishment of mediation departments at two large first instance courts, the Zarqa and Irbid First Instance courts, in order to resolve civil disputes outside courts. It also included specialized training programs for judges covering priority areas and continuous legal education programs at the Judicial Institute of Jordan for judges, prosecutors and state lawyer assistants. In addition, activities regarding court infrastructure, activating joint collaboration with key stakeholders such as the Jordanian Bar Association, the Public Security Directorate, and others were included.

Additionally, the 2007 - 2009 Strategic Plan was consistent with the efforts of the government to improve the capacity of the Ministry of Justice and the Judicial Council in meeting the needs and responding to the inquiries of target groups in relation to the judiciary and improving internal communication at the Ministry of

Justice. This included communication with court staff and judges and the development of mechanisms that support communication and public relations both internally and externally. Furthermore, the plan aimed at increasing public awareness of the role of the judiciary and development and reform efforts. The communications and public relations strategy was to support the Judicial Upgrade Strategy, assist in meeting the needs of the Ministry of Justice and the Judicial Council in the area of communications and public relations on a broad level, and enhance communications and public relations on the internal and external levels.

- d. **Judicial Upgrade Strategy for the years 2010 – 2012:** The Judicial Upgrading Strategy (JUST) for the years 2010 – 2012 is the third JUST strategy since 2004. It aimed at supporting the enforcement of judgments, the provision of legal services through specialized staff, activating modern procedures and techniques for the protection of rights, liberties and contributing to the continuity of the society and its safety. It also aimed at improving the investment climate according to principles of equality, integrity, competence and fairness, establishing a competent judiciary with capable staff, quality judgments, efficient procedures and services, and a vision that is based on achieving justice and reinforcing the rule of law principle. This strategy included five pillars:
- **Pillar 1 - Enhance Judicial Independence and Integrity** Through enhancing the individual independence of judges and amending the Judicial Independence Law such that the goal was to guarantee the institutionalization of rules governing judges' affairs and their enhancement, and developing mechanisms that would enhance judicial conduct. This would further enhance the institutional independence of the judiciary. In the field of enhancing integrity of the judiciary, the pillar focused on strengthening the role of Judicial Inspection, improving the accountability system, amending the Judicial Independence Law to guarantee the immunity and impartiality of inspectors, and the annual inspection over all judges subject to inspection.
  - **Pillar 2 – Enhance Competence:** Through developing the knowledge and skills of judges and their assistants by continuous and specialized training of both.
  - **Pillar 3 – Improve Judicial System Efficiency:** Through developing work procedures at the Court of Cassation by issuing the Technical Office Regulations and providing it with judicial and administrative personnel, amending the Regular Courts Formation Law, and amending the Court of Higher Justice Law relating to work organization and reviewing its decision in specific cases. Measures proposed under this pillar also included the caseload reduction for courts of appeal through expanding the mandate of First Instance courts in the capacity of appeal court in both civil and criminal cases, reducing litigation duration through unifying procedures before first level courts, and amending the Regular Courts Formation Law.
  - **Pillar 4 – Develop Court Services and Infrastructure:** Several programs were launched including the establishment of an automated criminal



records registry, the electronic issuance of non-conviction certification, electronic stamps, establishing links with the Civil Status Department, the Public Security Directorate, Department of Lands and Survey, the Ministries of Finance, Industry and Trade, and activating web search by attorneys on their cases. Programs implemented under this pillar also included the development of enforcement procedures of other bodies, reengineering and automating processes at civil and criminal enforcement departments, improving records and case file management to enhance security and facilitate retrieval and tracking, and activating quality control systems over the functions of the courts' departments.

- **Pillar 5 – Strengthen Communication Channels with Government and Civil Society Stakeholders:** This aimed at building public awareness on the role of the judicial authority and judicial development efforts.

## 2. Strengths and Weaknesses:

After reviewing the achievements of the Strategic Plans implemented over the past 10 years, a SWOT analysis was conducted covering the internal and external environments. Following is an extensive review of the areas of strengths and weakness within the Judicial Authority in relation to programs implementation:

- **Strengths:** During the implementation of the Strategic Plans, areas of strength were related to the appropriate institutional structure of the judiciary and the competence of judges as follows:
  - Strong political will for reform
  - Solid base and reference as a result of the accumulation of positive achievements resulting from previous Strategic Plans
  - Availability of a strong institutional structure and a longstanding history of the Judicial Authority
  - The existence of qualified expertise that helped in the development of an advanced strategy for the Judicial Authority
- **Weaknesses:** Results showed weaknesses during the implementation of programs falling under the Strategic Plans, the most important of which pertain to the lack of follow-up and evaluation during the implementation phase and weak links with official and unofficial entities, particularly the media. The main weaknesses identified were:
  - Weak implementation and follow-up of programs set forth in the Strategic Plans
  - Weak coordination in developing relations with local, regional and international stakeholders of the Judicial Authority and the Ministry of Justice
  - Limited education and awareness programs targeting civil society and the public on the role of the Judicial Authority and the rule of law principle
  - Absence of strategic media efforts by the Judicial Authority targeting the public and the media

- Lack of a methodology that provides the necessary legal education in Jordanian educational institutions
- The weak role of the Judicial Authority in communicating and collaborating with the Jordanian Bar Association and in advancing the legal profession
- The weak role of the Judicial Authority in communicating with law schools at Jordanian universities and supplying its libraries with specialized legal research papers and studies
- Delay in providing courts with documents issued by governmental bodies that are needed in litigation
- Automation of the execution department and the electronic archiving system was not implemented
- Lack of qualified staff in the judicial execution departments
- Absence of a procedures manual for working with different enforcement cases
- Lack of compliance with proper notification procedures
- Lack of comprehensive and updated libraries in all courts and justice sector establishments
- Failure of many judicial facilities and infrastructure to project the important status and role of the judiciary in society
- Weak activation of communication channels between the courts and justice institutions on one hand and other relevant government institutions, such as the Department of Lands and Survey, banks, the Ministry of Industry and Trade . . . etc, on the other
- Absence of general policies that guarantee tenure for judges

### 3. Opportunities and Threats

Results showed that the main opportunities for the Judicial Authority to develop and advance the reform forward is: the Royal patronage and support of the judiciary and its role; the existence of political will; and the concerted national efforts, including that of the executive and legislative branches, and their interaction with the movement of development and reform. The challenges that faced the implementation of programs and activities included under previous strategic plans can be summarized as follows:

- Weak local, regional and international relations with relevance to the Judicial Authority.
- Lack of cooperation of local media organizations in spreading the rule of law culture and building awareness on the role of the judiciary in achieving justice for the public.
- Lack of cooperation of state institutions, syndicates and civil society organizations in achieving the vision and mission of previous justice sector strategic plans.

## **Second: Diagnostic Analysis of the Legislative Framework Governing the Judicial Authority**

The legislative framework was analyzed by describing the status quo of legislation regulating the judicial work and determining the points of strength and weakness, as well as the opportunities and threats. This was done in order to define the legislative needs for the work of the judicial authority in order to improve them. Pivotal issues which the strategic plan will tackle were also defined.

### **1. Description of the Current Legislative Framework of the Judicial Authority**

The legislative framework is the set of legislation in force governing the work of the Judicial Authority in Jordan, including the Constitution, laws, regulations and instructions. The legal framework, however, is the base for regulating the functions of the judiciary, including the Judicial Council and the institutions falling under it, such that all decisions issued and measures taken are consistent with the legislation governing the work of the Judicial Authority.

The legislative framework is also the set of legislation that govern and clarify the powers and responsibilities of the Judicial Authority, govern work mechanisms, determine lines of authority and powers, and present principles of accountability and review. It is a primary reference that governs work, without which there would be no legitimacy of specialization, mandates and performance. This framework includes the following:

#### **1.1 The Constitution**

The Jordanian Constitution regulates the provisions related to the Judicial Authority in chapter six, articles 97 through 110 in addition to article 27 as outlined below:

- Article 27 of the Constitution states that “The Judicial Power shall be exercised by the courts of law in their varying types and degrees. All judgments shall be given in accordance with the law and pronounced in the name of the King.
- Pursuant to article 97 of the Constitution, judges are independent; in the exercise of their judicial functions, and they are subject to no authority other than that of the law.
- Pursuant to article 98 of the Constitution, judges of the Civil and Sharia Courts shall be appointed and dismissed by a Royal Decree in accordance with the provisions of the law. Accordingly, the Judicial Council handles all affairs related to regular court judges, while the hiring and dismissal of judges shall be based on a Royal Decree, and that only the Judicial Council shall have the right to appoint regular judges in accordance with the law.
- Article 99 of the Constitution specified the types of courts: regular (civil) courts, religious courts and special courts.
- According to article 100 of the Constitution, the establishment of the various courts, including their categories, divisions, jurisdiction and administration shall be by virtue of a special law, requiring that such law provides for the

establishment of a High Court of Justice, whose law shall state that the administrative judiciary should be at two levels.

- According to article 101 of the Constitution, the courts shall be open to all and shall be free from any interference in their affairs. No civilian may be tried in a criminal case before a court whose judges are not all civilians, with the exception of crimes of high treason, espionage, terrorism, drug crimes and counterfeit currency. Court hearings shall be public, unless the court decides otherwise, in the interest of public order or morals. In all cases, however, verdicts shall be pronounced during a public session. Furthermore, the accused is innocent until proven guilty.
- Pursuant to articles 102 and 103 of the Constitution, regular courts in the Hashemite Kingdom of Jordan shall have jurisdiction over all persons in all matters, civil and criminal, including cases brought by or against the Government, except those matters in which jurisdiction is vested in Religious or Special Courts in accordance with the provisions of the present Constitution or any other legislation in force.
- Regular Courts shall exercise their jurisdiction pertinent to civil and criminal matters in accordance with the laws in force, provided that, in matters affecting the personal status of foreigners or in matters of civil or commercial nature which, in accordance with international norm, are governed by the law of another country, such law shall be applied in the manner designated by the law. Matters of personal status are those that are defined by law and in accordance therewith fall within the exclusive jurisdiction of the Sharia Courts where the parties are Muslims.
- According to articles 104, 105 and 106 of the Constitution, Religious Courts are divided into: Sharia Courts and the Tribunals of other Religious Communities; Sharia Courts shall, in accordance with their own laws, have exclusive jurisdiction in respect of matters of personal status of Muslims, cases concerning blood money (Diya) where the parties are Muslims or where one of the parties is not a Muslim and the two parties consent to the jurisdiction of the Sharia Courts, and matters pertaining to Islamic Waqfs. Sharia Courts, in the exercise of their jurisdiction, apply the provisions of the Sharia law.
- According to articles 108 and 109 of the Constitution, the Tribunals of Religious Communities are those for non-Muslim religious communities, which have been or will be recognized by the Government as established in the Hashemite Kingdom of Jordan. Tribunals of Religious Communities shall be established in conformity with the provisions of relevant laws. Such laws define the jurisdiction of such Tribunals in matters of personal status and Waqfs (religious bequest or endowment) constituted for the benefit of the community concerned. Matters of personal status from any such community shall be the same, as in the case of Muslims, within the jurisdiction of the Sharia Courts. Such laws shall determine the procedure to be followed by the Tribunals of the Religious Communities.
- Pursuant to article 110 of the Constitution, Special Courts exercise their jurisdiction in accordance with the provisions of the laws constituting them.

## **1.2 Judicial Independence Law**

The topic of judicial independence is closely linked to the issue of justice, equality, the balance of freedom within a society, as well as the safety valve of the principle of the rule of law. Judicial independence does not mean separation from the other branches, but rather finding a balance between them. According to the Judicial Independence Law in Jordan, the judiciary is independent, specialized and neutral and standing on equal footing with the executive and legislative branches. In addition, the Judicial Independence Law stipulated the formation of the Judicial Council- outlining its duties, meetings and meetings quorum, and voting. It also outlined the Judicial Council's powers with respect to overseeing the affairs of judges. The Judicial Council also has a role in putting forward legislative suggestions relating to the judiciary, the prosecution and litigation procedures. The government solicits its views with regards to draft laws in said areas. The Judicial Independence Law also addressed issues related to judges' appointment, duties, promotion, transfer, secondment, resignation, trial and disciplining, as well as the organization of a judicial inspection.

## **1.3 Individual Independence of Judges**

The Jordanian Constitution stresses the individual independence of a judge; judges are independent and subject to no authority other than that of the law. Government has no authority to interfere in the judiciary. The norm is for the judge to be independent. Any infringement on this would affect the dignity of the judiciary. Any interference of the judiciary by any of the other two branches of authority would disrupt the balance of justice and undermine the basis of ruling. Justice is the basis of governance, and the law guarantees the independence of judges. The law is but a step in this regard and must be followed by many others. It is the duty of judges themselves to continue what international conventions today call for and which prohibit interference in cases and assure judges complete freedom in deciding on cases, without the influence of the executive and the legislative branches.

## **1.4 The Regular Courts Formation Law No. 17 of 2001**

Pursuant to article 2 of the Regular Courts Formation Law, the regular courts in Jordan exercise the right to try all persons in all civil and criminal matters, with the exception of matters falling under the jurisdiction of religious court (tribunals) or special courts according to the provisions of any other law.

The Regular Courts Formation Law addresses the types of courts, their levels and jurisdiction. It covers Conciliation Courts, their formation, how its hearings are held as well as their jurisdiction. It also covers First Instance courts, their jurisdiction, establishment of specialization within said courts, and how hearings are held. It also covers the formation of Courts of Appeal, their jurisdiction, establishment of specialization within the courts, and how hearings are held, as well as the establishment of the Court of Cassation, how its hearings are held, its jurisdiction and

specializations within it. In addition, the Courts Formation Law addressed the establishment of the Technical Office at the Court of Cassation.

The Regular Courts Formation Law regulated the public prosecution by stating that a judge holding the title of Prosecutor General shall be appointed at the Court of Cassation and would perform the functions of the general prosecution before the Court of Cassation. It also stipulated that, at each court of appeal, a judge holding the title of the Attorney General would be appointed to exercise all the powers granted to him / her in the Criminal Procedures Code and other laws. Furthermore, it provides that at each First Instance court, a judge (or judges) holding the title of Public Prosecutor would be hired. In addition, each Attorney General and Prosecutor General will have assistants with powers conferred upon them. In addition, the law governs the specializations of attorney general representatives, each within his / her jurisdiction.

The Regular Courts Formation Law regulates the State Lawyer Department. The State Lawyer is appointed by the Judicial Council upon the nomination of the Minister of Justice, from among the higher-level judges; the Judicial Council appoints assistants to the State Lawyer. Furthermore, the law also regulates the jurisdictions of the State Lawyer and his / her assistant.

### **1.5 A Number of Laws Stipulated the Establishment of Courts**

There are a number of laws that stipulate the establishment of courts, such as the Major Felonies Court Law (the Major Felonies Court), the Income Tax Law (the First Instance Income Tax Court and the Appeals Income Tax Court), the Customs Law (the First Instance Customs Court and the Appeals Customs Court), the Lands and Water Settlement Law (the Lands and Water Settlement Court), and the Law for Preserving the State's Lands and Property.

### **1.6 Several Regulations Pertain to Judicial Work**

There are several regulations related to the work of the judiciary, including:

#### **1.6.1 Judicial Inspection Regulations**

The function of Judicial Inspection is regulated pursuant to the Judicial Inspection Regulations. It regulates the inspection of judges, members of the prosecution body, State Lawyer assistants, and execution judges, with the exception of higher-level judges. It also covers: the evaluation of judges' work in terms of the proper application of the law, the fulfillment of litigation and evidence procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, determination of the annual clearance rate of each judge, and the inspection of the public prosecution, execution departments, the State Lawyer Department, notary public departments and court staff.

#### **1.6.2 Technical Office at the Court of Cassation Regulations**

The Technical Office provides legal, technical and administrative support to the Court of Cassation. This includes the classification of cases and motions filed before it and

their distribution among judicial chambers, according to specialization. Its function also includes the provision of judicial chambers with needed legislation, past judgments and precedents related to each case according to its type and subject matter, as well as any legal studies and research it may need. Furthermore, it draws legal principles based on the decisions and judgments issued by the Court of Cassation, classifies them and undertakes necessary measures to facilitate their publication. It also carries out the function of analyzing judicial precedents, and the provision of necessary studies and opinions to the President of the Court of Cassation, which would contribute to the establishment of legal principles. It also provides courts with the legislation and legal precedent that the Director perceives as necessary to be disseminated, as well as any other functions or tasks assigned by the Judicial Council or the President of the Cassation Court.

### **1.6.3 Judicial Council Administrative Units Regulations**

The Judicial Council Administrative Units Regulations regulate the work of the Administrative Units at the Judicial Council and the functions and mandate of each.

### **1.6.4 Judicial Institute of Jordan Regulations**

The Judicial Institute of Jordan Regulations implement the establishment of the Institute and outline its objectives and method of its administration and management.

## **2. Strengths, Weaknesses, Opportunities and Threats in Relation to the Judiciary's Legislative Framework**

### ***2.1 Strengths in Relation to the Legislative Framework***

Results show that the key points of strengths pertaining to the legislative framework of the Judicial Authority lies in the high level of flexibility in dealing with the new developments, the constitutional amendments and the comprehensive reform movement the Judicial Authority is currently witnessing, as well as other points of strength:

- Confirmation by the Jordanian Constitution of the individual independence of the judge and that judges are independent and not subject to any authority except that of the law
- The existence of a Judicial Council that represents the Judicial Authority that is independent from the executive and legislative branches, and which oversees the affairs of judges in terms of appointment, duties, promotion, transfer, secondment, resignation and trial and discipline
- Work is underway for the issuance of an Administrative Justice Law that includes the establishment of a two-level administrative judiciary
- Development of an amended Administrative Units Regulation

### ***2.2 Weaknesses in Relation to the Legislative Framework***

Following are the key weaknesses that were identified in relation to the legislation that governs the judiciary and its institutions:

- Existence of legislation that affect the personal independence of judges
- Laws and legislation that regulate the operations of courts are not conducive to improving its functions
- Lack of a law specific to the public prosecution
- Legislation governing the work of judicial inspection is not in line with the role required of it
- Absence of specialization among public prosecution judges
- There is a need for developing the legislation that regulates the work of the prosecution body
- Weak coordination and collaboration between the public prosecution, security apparatuses and relevant state institutions
- There is a need for enhancing the law governing the promotion of judges in order to improve their performance
- Legislation related to litigation procedures do not support the expedited settlement of cases
- Weak legislation and legal text that regulates the notifications system causes delay in case resolution
- Legislation related to alternative dispute resolution were not developed
- Lack of clarity with regard to the concept of “fair trial guarantees”
- Revision of legislation to become congruent with international human rights agreements

The results of the Courts Needs Assessment study that was conducted among Chief Judges reveal the need to amend the following laws:

- Enforcement Law
- Civil Procedures Code
- Criminal Procedures Code
- Conciliation Courts Law
- Judicial Independence Law
- Penal Code
- Trade Law
- Mediation Law
- Evidence Law
- Maritime Trade Law
- General Sales Tax Law
- Procedures Code for Tax Cases
- Customs Act
- Juvenile Law
- Correctional Facilities and Rehabilitation Centers Law



### *2.3 Opportunities and Threats in Relation to the Legislative Framework*

A number of opportunities related to advancing and developing the legislation governing the judiciary were identified. The most important of these opportunities relates to the presence of political will, flexibility and freedom in keeping pace with developments taking place domestically, regionally and internationally, whereby the supportive vision of His Majesty to the enactment of legislation to improve the performance of the judiciary and the establishment of justice, is considered a strong incentive to accelerate the updating of legislation; this is evidenced by the constitutional amendments, the development of the Administrative Judiciary such that it would become litigated on two levels. The main challenges are:

- The presence of legislation that limits the individual independence of judges
- Transfer the Judicial Inspection and the Judicial Institute of Jordan to the Judicial Council from the Ministry of Justice
- Ability of legislation to reflect the vision of His Majesty and stay abreast of international standards related to the independence of the judicial authority and its institutions, the individual independence of judges, and human rights standards

### **3. Key Issues and the Strategic Pillar Within the Strategic Plan that Address it**

**Strategic issue No. 1:** How can the Judicial Authority issue legislation that enhances its institutional independence and provide a favorable environment to support the individual independence of judges?

**The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions**

**Strategic issue No. 2:** How can the Judicial Authority contribute to the enactment of legislation that enhances the capacity of the Judicial Inspection body and develop its work methodology?

**The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions**

**Strategic issue No. 3:** How can the Judicial Authority contribute to the enactment of legislation that enhance the capacity of the Judicial Institute of Jordan and improve its outputs?

**The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions**

**Strategic issue No. 4:** How can the judicial authority contribute to the enactment of legislation that enable and enhance the role of the Administrative Units and promote their development in order to support the functions of the Judicial Council?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions**

**Strategic issue No. 5:** How can the Judicial Authority contribute to the enactment of legislation that enable and enhance the State Lawyer Department?

**The strategic pillar addressing it: Set the Principles of Judicial Independence and Build is Institutions**

**Strategic issue No. 6:** How can the Judicial Authority contribute to the enactment of legislation that guarantees the reduction of litigation duration, the speedy enforcement of closed cases, and promotes public confidence?

**The strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence**

**Strategic issue No. 7:** How can the Judicial Authority contribute to the enactment of legislation that reduces court caseload and improves its performance?

**The strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence**

**Strategic issue No. 8:** How can the Judicial Authority contribute to the updating of legislation that regulate the work of the public prosecution and criminal litigation procedures?

**The strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria**

### **Third: Diagnostic Assessment of the Institutional Framework of the Judicial Authority:**

The institutional framework analysis included defining the status quo related to the institutional framework under which the Judicial Authority functions, identifying areas of strength, weakness, opportunities and threats to identify the institutional needs pertinent to the work of the Judicial Authority and work on building and developing them. In this regard, the strategic issues, which the Strategic Plan will address, will also be defined.

#### **1. Description of the Status Quo of the Judicial Authority's Institutional Framework**

The Judicial Authority is considered one of the three State powers, alongside the legislative and executive powers. Its functions are considered complementary to national efforts carried out by each of the legislative and executive powers. The Judicial Authority carries out its duties through an institutional structure that is comprised of:

1. Regular Court
2. Judicial Council
3. Judicial Inspection Body
4. Public Prosecution
5. State Lawyer Department
6. Technical Office at the Court of Cassation
7. Judicial Institute of Jordan
8. Judicial Council Administrative Units

## **1.1 Regular Courts**

Regular courts in the Hashemite Kingdom of Jordan exercise the right to try all persons in all civil and criminal matters, with the exception of matters falling under the jurisdiction of religious court (tribunals) or special courts, according to the provisions of other laws.

Regular courts include first level courts (Conciliation and First Instance), second level courts, which are the Amman, Irbid and Maan Appeals Courts, and the Court of Cassation, which is the top echelon of the judiciary. Administrative justice is currently carried out by the Court of Higher Justice. There are other courts as well, including the Major Felonies Court, the Income Tax First Instance and Appeals Courts, the Customs First Instance and Appeals Courts, the Lands and Water Settlement Court, and others.

## **1.2 Judicial Council**

The Judicial Council manages all affairs related to regular judges. It has general oversight over them in terms of appointment, transfer, secondment, promotion, retirement, acceptance of resignation and termination of judicial appointment and the imposition of disciplinary measures. The organizational structure of the Judicial Council is comprised of:

### **1.2.1 Judges Affairs Unit**

The Judges Affairs Unit handles the following tasks:

- Implement decisions related to judges' appointment, promotion, transfer, secondment, granting of vacation time, disciplinary decisions taken in their account, termination or ending of their services and following up on related personnel issues and administrative procedures
- Make available administrative support services to judges

### **1.2.2 Training and Specialization Unit**

The Training and Specialization Unit handles the following tasks:

- Propose training needs of judges, organize and follow-up on courses for judges, organize measures pertinent to their research in accordance with current legislation
- Organize training programs, courses and activities and ensure the readiness of training venues and relevant requirements for implementing the programs, including training materials and publications
- Follow-up on matters related to scientific scholarships for judges
- Prepare information and conduct necessary studies related to the specialization of judges in civil and criminal chambers in accordance to current legislation

### **1.2.3 Planning and Development Unit**

The Planning and Development Unit handles the following tasks:

- Prepare the Annual Plan of the Council and its units and supervise its implementation after the Council's endorsement
- Contribute to the development of work plans and programs necessary for the development of the operations of courts and public prosecution
- Prepare the Annual Courts Report
- Manage, sustain and update the Council's electronic website

#### **1.2.4 Office of the Chief Justice**

#### **1.2.5 Judicial Council's Secretariat**

The Chief shall name, from among Council staff, a secretary responsible for:

- Preparing the agenda for the Council's sessions
- Inviting Council members and informing them of session dates
- Preparing Council decisions and having them signed by the Chief and attending members before recording them in a special registry after which it is filed and archived
- Documenting all records related to the Council and its work
- Any duties assigned to him / her by the Chief

The Council, upon the recommendation of the Chief, may second any judge to carry out the director duties of any of the units, either full time or in addition to his/her assigned duties

### **1.3 Judicial Inspection Body**

The Judicial Inspection body is under the Ministry of Justice, where the Judicial Inspection Directorate was established. The Judicial Inspection is comprised of the Chief Inspector and a number of inspectors. The Chief Inspector is appointed pursuant to the decision of the Judicial Council and Royal decree. The Chief Inspector is appointed from among higher-level judges. He/she is the direct administrative supervisor of the directorate's inspectors and staff. Inspectors are appointed by a decision of the Judicial Council and are selected from judges whose rank is not less than second level, for a period of three years, subject to renewal. The services of any inspector cannot be terminated nor can he/she be retired, subjected to early retirement, transfer, or secondment unless upon his/her request, based upon the recommendation of the Chief Inspector. The Chief Inspector submits Directorate reports, and that of the inspectors, relating to Judicial Inspection reports over judges, judicial assistants and the affairs of courts and the public prosecution, to both the Chief Justice and the Minister of Justice.

The Judicial Inspection Directorate handles the following functions:

1. Inspect the work of judges, members of the prosecution body, State Lawyer assistants, and Execution Judges, with the exception of higher-level judges
2. Evaluate judges' work in terms of the proper application of the law, the fulfillment of litigation, and evidentiary procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, and determination of the annual clearance rate of each judge

3. Inspect the work of public prosecution departments, execution departments, the State Lawyer Department, notary public departments and court staff
4. Review and investigate complaints filed against judges

#### **1.4 Public Prosecution**

The public prosecution body is comprised of the Prosecutor General, Attorney Generals and Public Prosecutors. A judge holding the title of Prosecutor General is appointed at the Court of Cassation and performs the functions of the Prosecutor General before the Court of Cassation. In addition, at each Court of Appeal, a judge holding the title of Attorney General is appointed and exercises all the powers granted to him/her in the Criminal Procedures Code and other laws. For each of the Chief Attorney General and the Prosecutor General, there are assistants who have all powers conferred upon them. Furthermore, in each First Instance Court, at least one judge holds the title of Public Prosecutor and it is possible to appoint a Public Prosecutor to any Conciliation Court.

Representatives of the public prosecution body handle the filing of criminal cases and follow-up on them as outlined in the Criminal Procedures Code and other laws.

All members and staff of the public prosecution apparatus within the Appeals and First Instance levels fall under the Attorney General and are tasked to implement his/her orders and the orders of the Minister of Justice in their administrative affairs, the filing of cases, and all follow up. Additionally, all of them are accountable before the Prosecutor General and are linked to the Minister of Justice within the hierarchy of said levels. All judicial staff are subject to the supervision of the Prosecutor General and his/her designees with respect to their judicial functions.

#### **1.5 State Lawyer Department**

The Judicial Council, upon the nomination of the Minister of Justice, appoints one senior level judge as the State Lawyer. In addition, the Judicial Council assigns a number of judges as his/her assistants.

The State Lawyers and his/her assistants, who are either hired or appointed according to the provisions of this law, represent the state in all civil cases related to the treasury, cases filed by the state or against it.

The State Lawyer and his/her assistants are administratively linked to the Minister of Justice; the State Lawyer is the direct supervisor of his/her assistants and clerks that are assigned to the department.

The State Lawyer may assign any of his/her assistants to represent the government before courts either on a full or part time basis. If needed, he/she may, upon the approval of the Minister of Justice, assign on his/her behalf any of the Public Prosecutor or Attorney General assistants to appear before the courts.

The State Lawyer provides a monthly report to each of the Minister of Justice and the Minister of Finance on the progress of cases in which he/she represents the

government as well as the judgments he/she is executing. In addition, the state Lawyer provides an Annual Report at the end of December of each year to the Minister of Justice who, in turn, submits it to the Chief Justice.

### **1.6 Technical Office at the Court of Cassation**

A Technical Office is established at the Court of Cassation to provide legal, technical and administrative support to the Court of Cassation. The Technical Office is managed by a senior-level judge, seconded by the Judicial Council either in addition to his/her judicial work or on full-time basis. The appointment of the Technical Office director shall be based on the nomination of the Chief Justice and for a renewable period of four years. The director is assisted by a number of judges seconded by the Judicial Council, upon the nomination of the director, for a period of two years that can be renewed. The most senior judge of the aforementioned judges is the deputy director and carries out the director's duties during his/her absence.

The administrative staff of the Technical Office shall be Ministry of Justice employees assigned by the Minister of Justice for this purpose. The Technical Office performs the following functions:

1. Provide the legal, technical and administrative support to the Court of Cassation. This includes the classification of cases and motions filed before it and their distribution among judicial chambers according to specialization. Its function also includes the provision of judicial chambers with the needed legislation, past judgments and precedents related to each case, according to its type and subject matter, as well as any legal studies and research it may need.
2. Draw legal principles based on decisions and judgments issued by the Court of Cassation, classify them, and undertake necessary measures to facilitate their publication.
3. Analyze judicial precedents and provide the necessary studies and opinions to the President of the Court of Cassation, which would contribute to the establishment of legal principles
4. Provide courts with the legislation and legal precedents that the Director deems necessary to be disseminated
5. Any other functions or tasks assigned by the Judicial Council or the President of the Cassation Court

### **1.7 Judicial Institute of Jordan**

A board of directors that is chaired by the Minister of Justice and includes the membership of each of the following members supervises the Judicial Institute of Jordan:

1. Chief Judge of the Court of Higher Justice/Deputy Chairperson
2. Chief Attorney General
3. Secretary General of the Ministry of Justice
4. Judicial Institute of Jordan Director

5. Two judges of not less than “special” rank, appointed by the Judicial Council upon the nomination of the Minister of Justice for a period of two years subject to renewal. During this period, it is possible to replace any of them by appointing a replacement through the same manner to complete the membership term.
6. President of the Jordanian Bar Association
7. Two members from the faculty of official Jordanian universities, each holding a rank not less than Associate Professor in Law, appointed by the Minister of Justice for a period of two years subject to renewal, in coordination with the President of the concerned university. The Minister may, during that period, appoint a replacement in the same way for the remainder of his/her board membership term.

A judge, seconded by the Judicial Council upon the nomination of the Minister of Justice, handles the management of the Institute. Said judge should have spent a period not less than 20 years in judicial service, or in judicial service and in practicing law collectively; the term of his/her service is for two years, subject to renewal. The director’s tenure ends upon the expiry of his/her secondment, or by the secondment of a replacement. A deputy director exercises the director’s powers during his/her absence.

The Judicial Institute of Jordan aims at achieving the following:

1. Prepare qualified candidates to take on judicial functions
2. Enhance the competence of judges and court staff and build their scientific research skills through training courses organized by the Institute for this purpose
3. Exchange expertise and cooperation with similar institutes in the Arab region and in foreign countries
4. Encourage cooperation with Arab and foreign entities in the fields of judicial work

To achieve the above, the Institute undertakes the following functions:

1. Offer preparatory (non-academic) programs for BA holders in law, and provides candidates who pass the program a diploma certificate from the Judicial Institute of Jordan. It also offers any other preparatory training programs that are necessary for assuming judicial posts.
2. Hold continuing legal education trainings, seminars and workshops targeting judges, staffs and those seconded to study at the Judicial Institute.
3. The Judicial Institute also offers a non-academic, one-year preparatory program for non-lawyers who hold, at a minimum, a first university degree, to prepare qualified candidates to assume legal positions at the Ministry. Candidates passing the program are granted a paralegal certificate. The Minister, upon the recommendation of the Scientific Committee, shall issue the necessary instructions to determine admission criteria and conditions for granting the certificate, provided that the criteria include the passing of the admissions test.



## **2. Strengths and Weakness in Relation to the Judicial Authority's Institutional Framework**

Key areas of weakness, in relation to the institutional framework, pertain to the attachment of a number of institutions which should fall under the Judicial Council, to the Ministry of Justice. There is weakness in some of the legislation and regulations governing the work of some institutions, particularly the Judicial Independence Law, and the weakness of the infrastructure and facilities of several institutions. The main areas of strengths pertaining to the institutional framework are adequate flexibility and the political will towards reform, evidenced by recent constitutional amendments. Following, are the main areas of strengths, weakness, opportunities and threats:

### **2.1 Regular Courts**

The results of the status-quo analysis regarding regular courts reveal that major strengths are related to a strategic plan that reflects, in its pillars and objectives, its concern with the development of court operations and the enhancement of their performance in various areas related to infrastructure, facilities, reduction of judges' work load, and improvement of services offered to the public. Following are the main areas of strengths and weaknesses related to regular courts:

#### **2.1.1 Strengths**

- Availability of judicial specialization at some courts
- Availability of the Judicial Code of Conduct
- Availability of mediation departments as an alternative disputes resolution mechanism
- Separation of civil and criminal judges in First Instance, Appeals and Cassation Courts
- Adaleh (legal research database) program
- Availability of a legal references library at the Palace of Justice
- The MIZAN application and the document archiving system
- Presence of information signs for the public at some courts
- Good public services at some courts
- Availability of media and awareness building strategy adopted by the Judicial Council's Administrative Units
- Existence of training and preparatory programs for Administrative Units staff

#### **2.1.2 Weakness**

- Case processing procedures are not unified across all courts
- Civil case management is weak
- Weak development and enhancement plans for the Notary Public Department, the non-conviction certification departments, notifications departments, information services and coordination officers at courts
- Shortage of judges
- Variations among the courts in the procedures adopted and the level of services provided to the public
- Absence of technical offices at the Courts of Appeal
- Weak training programs targeting enforcement department staff

- Absence of clear criteria for the promotion of judges from the First Instance to the Appeals and the Cassation levels that are based on competence and objective criteria
- Absence of accurate and effective criteria for the selection of qualified and experienced Execution Department staff
- The principle of judicial specialization is not adopted in all courts
- Shortage of qualified staff in support functions
- Weak technology related to information flow and document archiving
- The establishing and equipping of mediation departments in all First Instance courts in Jordan has not been completed
- Limited number of awareness programs on the importance of mediation
- Absence of the necessary infrastructure and technical means at Conciliation courts
- Weakness in the method and ways of appointing State Lawyer assistants
- Lack in the number of judges at the Technical Office
- Weak information and poor document exchange/communication channels among court departments and sections
- The lack of public information signs at some courts

## **2.2 Judicial Council**

The results of the status-quo analysis of the Judicial Council revealed support for and high adaptability to change and staying abreast with the comprehensive reform movement witnessed by the Kingdom, including the constitutional reforms and the ability to make the right decision at the appropriate time.

### **2.2.1 Strengths**

- Constitutional amendments
- Coherence and shared vision among Judicial Council members
- The high competence and longstanding experience of the Chief Justice and Judicial Council members helps to manage the Judicial Authority effectively and ably
- The effective and flexible communication among Judicial Council members and the judges
- Wide scope of authority in managing judges' affairs and controlling/ monitoring their performance
- A website for communication and knowledge transfer

### **2.2.2 Weakness**

- Weak implementation and follow up of Strategic Plans programs
- Absence of a mechanism for publishing reports on outstanding performance of judges to provide them and others with incentive
- Lack of general policies that guarantee job stability in the judiciary
- Weak method of management that is based on studies and research
- Weak application of good governance principles and quality assurance systems

## **2.3 Judicial Inspection**

Key areas of strengths of the Judicial Inspection system relates to its high qualifications, experience and integrity which guarantees accuracy in judging the performance of judges.

As for the main weaknesses of the Judicial Inspection system, they relate to its attachment to the Ministry of Justice, weak compliance with the endorsed inspection criteria, and that inspectors do not reach all courts or all judges that are subject to inspection. Following are the Judicial Inspection's primary areas of strengths and weaknesses:

#### 2.3.1 Strengths

- The high level of competence, experience and integrity among members of the Judicial Inspection body which guarantees accuracy in judging performance
- Availability of an automated system that assists inspectors with their functions over the work of judges
- The presence of criteria that governs the work of the Judicial Inspection body and based on performance assessment

#### 2.3.2 Weakness

- The location of the Judicial Inspection Directorate within the Ministry of Justice
- Weak monitoring and accountability measures
- There is no full compliance among the Judicial Inspection body with the endorsed Judicial Inspection criteria covering the legal and behavioral aspects of judges
- Lack of specialization in the Judicial Inspection function
- Weak judicial inspection criteria
- Weakness in the qualifications and expertise of some inspectors
- Shortage in the number qualified inspectors
- The limited scope, mandate and authority of the judicial inspection
- Low number of periodic and surprise field visits to inspect judges and courts
- Judicial Inspection is only linked to promotion
- No accountability departments assess the work of registrar offices at courts
- Absence of monitoring, by the Courts of Appeal, over the work of First Instance courts
- The Chief Judge has no role in the performance evaluation of judges
- Weak facilities support the work of the Judicial Inspection
- Weak application of the Judicial Code of Conduct
- Electronic monitoring and periodic review of case results, in terms of new cases, cleared cases and pending caseload, is not activated

### 2.4 Public Prosecution

The status-quo analysis of the Public Prosecution reveals that the main areas of strengths relate to the competence and high knowledge of Public Prosecutors in the substantive and procedural aspects of criminal law, and the ability to foresee the problems emerging during the proceedings. With respect to weaknesses, the main areas pertain to the shortage of the number of staff working in the Attorney General's Office, not keeping pace with the increasing workload, and weak planning and time management at prosecution offices in relation to the workload they are witnessing. Following are the areas of strengths and weakness relating to the Public Prosecution:

#### 2.4.1 Strengths

- High knowledge of Public Prosecution members in the substantive and procedural aspects of criminal law
- Effective cooperation between members of the Public Prosecution and courts
- The position of Public Prosecutor is held by a judge as opposed to an administrator

#### 2.4.2 Weakness

- Shortage in the number of Public Prosecutors
- Weak infrastructure
- There are no clear rules or basis for the selection of Attorney General (Prosecution) judges
- Low number of training programs targeting Public Prosecutors
- Specialization within the Prosecution body is not implemented
- Absence of judicial police
- The administrative accountability of Public Prosecutors to the Ministry of Justice
- Weak cooperation and coordination programs between the Public Prosecution and relevant stakeholders
- Weak and ineffective relations between the Public Prosecution and the police departments, judicial enforcement and rehabilitation and correctional facilities

### 2.5 State Lawyer Department

The main areas of strength in relation to the State Lawyer Department is the commitment of all ministries, departments and official public sector institutions' staff to cooperate fully with the State Lawyer in the course of his/her work and duties entrusted to him/her by law, and to provide the State Lawyer with all information and documents that he/she may request. In terms of the key weakness, there is no specified or established duration of service for State Lawyers. A controversial point, which some consider as a weakness, is that judges occupy the state lawyer post. There are several strengths and weakness in this regard, which are:

#### 2.5.1 Strengths

- Qualified judges work at the State Lawyer Department

#### 2.5.2 Weakness

- Absence of clear criteria for the selection of State Lawyers
- Weak appointment mechanism of State Lawyer assistants
- Lack of legal resources and references
- Unsustainable tenure of the work of State Lawyers

### 2.6 Technical Office at the Court of Cassation

#### 2.6.1 Strengths

- Qualified judges are assigned to the Technical Office

#### 2.6.2 Weakness

- Shortage in the number of judges working at the Technical Office
- Shortage of support staff at the Technical Office
- Shortage of legal resources and references

## **2.7 Judicial Institute of Jordan**

The main weakness related to the Judicial Institute of Jordan is its attachment to the Ministry of Justice instead of the Judicial Council. As for the areas of strength, they relate to the diversity and variety of training programs carried out by it, including the judicial studies diploma programs and the continuing legal education programs. In addition, it offers a one-year paralegal preparatory program targeting candidates with no legal background in order to qualify them to assume legal functions at the Ministry of Justice. Following are the main areas of strengths and weaknesses:

### **2.7.1 Strengths**

- Continuous attraction of candidates with exceptional qualifications to study at the Judicial Institute of Jordan
- Existence of preparatory and continuing education programs that are taught at the Institute
- Existence of a study plan
- Judges participate in teaching students at the Judicial Institute of Jordan

### **2.7.2 Weakness**

- The Judicial Institute of Jordan falls under the ambit of the Ministry of Justice
- Weak infrastructure of the Judicial Institute of Jordan
- Incompatibility between the training course and the career path for both judges and staff
- Training programs are weak in terms of meeting the training needs of judges and staff
- Absence of clear standards and criteria for the selection of judges to train at the Judicial Institute of Jordan
- Absence of a clear, structured and comprehensive training manual
- Absence of a training plan with a timeline that is endorsed by chief judges
- Weak effectiveness of the Institute's training plan and little emphasis on the practical aspect of training
- Absence of accurate and effective basis and criteria for selecting candidates to enroll at the Judicial Institute
- Lack of implementation of seminars and lectures inside courts on court operations and their importance and uniqueness
- Lack of specialized training courses on amended laws
- Lack of training programs focused on developing and enhancing the capacity of support staff at courts
- Lack of technical courses in specialized areas
- Weak integration of judges in teaching at law faculties in Jordanian universities

## **2.8 Judicial Council Administrative Units**

A main weakness related to the work of Administrative Units pertains to the poor coordination among the units themselves. Furthermore, the Administrative Unit employees are not assigned to the Units on fulltime basis, and the Units' location is distant from the Judicial Council which is based in the Court of Cassation building.

This adversely affects coordination with the Council. As for strengths, they relate to the presence of a clear and endorsed work plan that is used as a base for its operations and work. In addition, there are other points of strengths and weaknesses that are outlined below:

#### 2.8.1 Strengths

- The existence of preparatory and development training programs for Administrative Units staff
- The objective and transparent methodology adopted by the Administrative Units in selecting judges for participating in workshops and seminars
- The existence of an automated system for the Judges Affairs Unit

#### 2.8.2 Weakness

- Lack of technical and qualified judicial personnel in the Administrative Units
- Weak training programs targeting Administrative Units staff in all topics
- The Administrative Units are not connected to the “Judges Affairs Automated System”
- The judges affairs system currently in place is not adaptable to development
- Lack of exchange programs with advanced countries in this area
- Weak awareness among judges of the role of Administrative Units within the Judicial Authority

### **3. Opportunities and Threats in Relation to the Judicial Authority’s Legislative and Institutional Framework**

The opportunities available for developing the judiciary, enhancing its performance and instilling institutional and legislative independence of the judiciary and the individual independence of the judge are enormous and on solid ground. The main opportunity relates to His Majesty’s vision for supporting the Judicial Authority and advancing its performance according to latest standards, as the guardian of justice and complementary to national efforts towards comprehensive reform, including constitutional amendments and sustainable development. In addition, the pursuit of establishing the independence of the judiciary opens wide horizons towards efficient justice under a rule of law state, because if justice is the basis of governance, the independence of the judiciary is the foundation of justice.

As for the challenges facing the Judicial Authority, they are numerous and keep surfacing. This is a result of the technological and informational development and the emergence of economic, financial, political and social complexities that require new legislation that keep up with the complexities. This requires judicial specialization and specialized judges capable of resolving specialized cases brought before them. Following are the opportunities and threats facing the judiciary:

#### **3.1 Opportunities in Relation to the Legislative and Institutional Frameworks**

- The constitutional amendments that emphasize the independence of the Judicial Authority
- His Majesty's vision for completing the independence of the Judicial Authority in all its resources and operations
- Amending relevant legislation in a manner consistent with the independence requirements of the Judicial Authority
- Enhanced awareness of the importance of the justice sector and its main functions and services
- Presence of a conducive national environment for increasing effective communication between the judicial authority and its institutions and the other relevant government entities whose work is related to that of the judiciary
- Presence of a favorable environment for communicating and working with the Jordanian Bar Association to advance the legal profession in Jordan
- The potential for collaborating with the different media to implement legal education and awareness programs and highlight the role of the Judicial Authority and the rule of law and underline the role of the judiciary in building and developing the Jordanian society
- Benefit from advanced Arab and international experiences in the development of court operations and potentials
- Availability of donor agencies

### ***3.2 Threats in Relation to the Legislative and Institutional Frameworks***

- The budget and resources of the Judicial Authority fall under the ambit of the Ministry of Justice
- The appointment and management of the support staff at courts are under the Ministry of Justice
- Infrastructure development and management are part of the Ministry of Justice functions
- Judicial inspection is under the Ministry of Justice
- Members of the public prosecution service are administratively linked to the Ministry of Justice
- The Judicial Institute of Jordan is linked to the Ministry of Justice
- Weak awareness among civil society and the public of the role of the Judicial Authority and the concept of the rule of law

## **4. Key Issues and the Strategic Pillar within the Strategic Plan**

**Strategic issue No. 1:** How can the Judicial Authority enhance institutional independence and provide a favorable environment to support the individual independence of judges?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions**

**Strategic issue No. 2:** How can the Judicial Authority enhance the capacity of the Judicial Inspection body and develop its methodology of work?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions**

**Strategic issue No. 3:** How can the Judicial Authority enhance the capacity of the Judicial Institute of Jordan and improve its outputs?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions**

**Strategic issue No. 4:** How can the Judicial Authority enhance the role of the administrative units and promote their development in order to support the functions of the Judicial Council?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions**

**Strategic issue No. 5:** How can the Judicial Authority enhance the State Lawyer Department and the Technical Office?

**The Strategic pillar addressing it: Set the Principles of Judicial Independence and Build its Institutions**

**Strategic issue No. 6:** How can the Judicial Authority ensure the reduction of litigation duration and the speedy enforcement of closed cases and which promote public confidence?

**The Strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence**

**Strategic issue No. 7:** How can the Judicial Authority reduce the caseload on courts and improve its performance?

**The Strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence**

**Strategic issue No. 8:** How can the Judicial Authority contribute to enhancing the capacities, skills and knowledge of judges and support staff?

**The first strategic pillar addressing it: An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence**

**The second strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

**Strategic issue No. 9:** How can the Judicial Authority institutionalize its relations with other state entities that have direct relevance to its work?

**The first strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria**

**The second strategic pillar addressing it: Enhance Communication Channels between the Judicial Authority and Other Institutions**



**Strategic issue No. 10:** How can the Judicial Authority enhance the capacity of the public prosecution and develop the criminal justice system?

**The Strategic pillar addressing it: Achieve an Efficient Criminal Justice System According to Latest Criteria**

**Strategic issue No. 11:** How can the Judicial Authority coordinate the relationship with the Ministry of Justice in relation to the components of the internal environment in a way that is in line with the vision and mission of the judiciary?

**The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

**Strategic issue No. 12:** How can the Judicial Authority ensure the implementation and follow-up of Strategic Plans of the judiciary and that of the Ministry of Justice and the development of services extended to the public?

**The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

**Strategic issue No. 13:** How can the Judicial Authority enhance cooperation and coordination with civil society organizations to achieve the vision and mission of the Judicial Authority?

**The Strategic pillar addressing it: Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

**Strategic issue No. 14:** How can the Judicial Authority activate and develop relations with media institutions to realize the vision and mission of the Judicial Authority?

**The Strategic pillar addressing it: Enhance Communication Channels between the Judicial Authority and Other Institutions**

**Strategic issue No. 15:** How can the Judicial Authority contribute in facilitating access to justice by the public?

**The Strategic pillar addressing it: Contribute in Building Public Confidence in the Rule of Law**

**Strategic issue No. 16:** How can the Judicial Authority contribute towards raising public awareness about its role and judicial development efforts as well as the basic rights and duties of citizens and their equality before the law under a rule of law state?

**The Strategic pillar addressing it: Contribute in Building Public Confidence in the Rule of Law**

## **Chapter 2**

# **Vision, mission, pillars, objectives and activities of the Judicial Authority Strategic plan for the Years 2012 – 2014**

## **Vision, mission, pillars, objectives and activities of the Judicial Authority Strategic Plan for the years 2012 – 2014**

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The methodology for developing the Strategic Plan was built such that it would be in line with the constitutional amendments and embodies the vision of His Majesty towards an independent Judicial Authority. It was also based on the principle of collaboration and partnership in decision making related to the vision and mission of the Judicial Authority, as well as the linking of strategic objectives with the aspirations and goals of decision makers within the judiciary and their areas focus in relation to defining the strategic tracks for the coming three years.

The outcome of activities carried out during the preparation of the Strategic Plan, was the endorsement of the vision, mission, pillars and key objectives of the Judicial Authority Strategic Plan by the highest levels within the Judicial Authority as follows:

- **Judiciary's Vision for the Strategy of Building (2012 - 2014)**

The vision was drafted to be consistent with the vision of His Majesty towards an independent judiciary, and to meet the future aspirations of decision makers within the judiciary which takes into account complementarity between the Strategic Plan components. These include the vision and mission on one hand and the strategic pillars and objectives on the other.

**Vision: “An independent judicial authority that safeguards justice, complements national efforts and enhances public confidence.”**

Following are the key features of the Strategic Vision of the judiciary:

1. The vision emphasizes the independence of the judiciary as one of the three branches of the state and on equal footing with the both the executive and the legislative powers. The independence of the Judicial Authority and the balanced separation of powers are closely linked to the issue of justice and the rule of law in the society and is considered the safety valve of litigants. The relation between judicial independence and justice (the guardian of justice) is inseparable.
2. The vision of the Judicial Authority defined the complementary relationship between judicial development, judicial independence and the embracing of justice for all principles consistent with national economic reform efforts; increased competitiveness of national economy; integrated development, and the advancement of Jordan as a rule of law country which ensures investors of the quality of its judicial system.
3. The vision also focused on the importance of gaining public confidence in the judiciary and accounting for public opinion. This requires the continuous monitoring of its trends vis-à-vis the judiciary, its justice, its speedy resolution of cases and the granting of all their rights within a rule of law state.

- **Judiciary's Mission for the Strategy of Building (2012-2014)**

The mission of the Judicial Authority included the enhancement of the performance level of courts through a competent and independent institutional framework and qualified and specialized cadres which would support judicial independence and integrity. A judicial system that delivers justice in a highly effective and timely manner establishes a basis for public confidence and the respect for the rule of law.

**Mission: A fair, impartial, competent, effective and outstanding judicial authority, trusted by the society and is the guarantor of rights and freedoms, founded on the rule of law and complementarily with the state's powers, supporting reform and integrated development efforts through an institutional framework and qualified and specialized human resources.**

Attributes of the Judicial Authority's mission:

1. Emphasis on the principle of the rule of law, the timely disposition of cases, resorting to law in the resolution of disputes, guaranteeing the rights and freedoms of individuals, and enhancing public confidence in the fairness and integrity of the Judicial Authority.
2. Complementarity of work between the state entities and the Judicial Authority in support of reform and integrated development efforts.
3. The Judicial Authority's vision and mission is implemented through its institutions and qualified and specialized human resources.

- **Pillars and Main Objectives under Each Pillar of the Judicial Authority Strategic Plan for the Years 2012 - 2014**

Based on the study and review of the status quo of the judiciary through the SWOT analysis, the areas of strengths, weakness and threats that faced the judiciary during its long course, which is rich with achievements, were identified. Furthermore, the opportunities available to it to develop and stay abreast of the fast changes and new developments in laws governing economic, political and social life and the constitutional reform movement the country is witnessing were also examined.

Six pillars were endorsed as the main goals of "the building of the judicial authority strategy" for the coming three years (2012 - 2015) such that they would be complementary to the vision and mission, translate His Majesty's vision for an independent judiciary, and respond to the legislative and institutional requirements of an independent Judicial Authority. A number of objectives emanated from each pillar as follows:

**Pillar (1) – Set the Principles of Judicial Independence and Build its Institutions**

This pillar is in full alignment with the vision and mission of the judiciary for embodying its independence and building its institutions and which reflects the vision of His Majesty King Abdullah II bin Al Hussein. This pillar focuses on the independence of the judiciary as an institution through the independence of the judiciary from the executive and legislative branches, and having full mandate over all judicial matters and affairs.

Seven major goals fall under this pillar. Each goal includes a number of activities and programs to achieve it, which ultimately lead to the achievement of the vision of the judicial authority. Following are the objectives, activities and programs that fall under this pillar:

**1. Enhance institutional independence of the judiciary.**

This objective embodies the independence of the judiciary as an institution and which the Constitution safeguards. In practice, the institutional independence of the judiciary means that the Judicial Authority is capable of managing its own affairs and of undertaking matters concerning its work. This imposes on other state institutions to respect and observe the independence of the Judicial Authority. As for institutions falling under the Judicial Council, they must be restructured so as to enhance their roles and responsibilities in a way that would support their independence. Following are the suggested activities to achieve this objective:

- Develop a judicial authority law that includes the Judicial Independence Law and the Regular Courts Formation Law
- Amend laws that regulate the work of the Judicial Council, such as the Judicial Independence Law
- Issue the amended Administrative Units Regulations

**2. Provide a judicial environment supportive of the individual independence of judges.**

The previous objective embodies the institutional independence of the Judicial Authority. This objective aims at promoting the individual independence of the judge as judges are independent and are subject to no authority in their judicial work other than that of the law. The individual independence of the judge means that he/she has the right and the duty to adjudicate cases brought before him/her in accordance with the law without exposure to any pressure. To reflect the independence of judges as individuals, work must cover the following:

- Presence of a system of accountability in case of violation of the judicial code of conduct
- Revision and study of legislation in force that affects the individual independence of the judges and work on putting forward suggestions for its amendment
- Develop objective criteria for the appointment of judges in terms of integrity, competence and training
- Establish appropriate standards for the transfer and secondment of judges, as well as their dismissal and disciplining in accordance with established standards of judicial conduct
- Provide a suitable environment for the judge and the judge's family that is appropriate with his/her social status in terms of living, health, and security

### **3. Strengthen the capacity of the Judicial Inspection body and develop its work methodology**

The Judicial Inspection Directorate handles the inspection function over judges, members of the prosecution body, State Lawyer assistants, and Execution Judges, with the exception of higher-level judges. It evaluates the work of judges in terms of the proper application of the law, the fulfillment of litigation and evidences procedures, reasons for postponement, case duration until judgment issuance, the proper reasoning and justification of judgments reached, and the determination of the annual clearance rate of each judge. In order to instill the principles of judicial independence, enhance the independence of its institutions, and provide a supportive environment for the independence of the individual judge, it is necessary to move the judicial inspection function from the auspices of the Ministry of Justice to confer by the Judicial Council. In addition, there should be a review of the Judicial Inspection methodology. This requires work on the following:

- Review the legislative framework related to judicial inspection (transfer the control of judicial inspection to the Judicial Council, selection methodology of inspectors, job security, immunity, and accountability of inspectors)
- Review and develop specific criteria for the work of Judicial Inspectors, and review this criteria periodically
- Provide the Judicial Inspection Directorate with the necessary equipment and supplies
- Provide the Judicial Inspection Directorate with qualified and experienced judges to work in the capacity of inspectors

### **4. Build the institutional capacity of the Judicial Institute of Jordan.**

The Judicial Institute of Jordan is the official academic institution in the Kingdom responsible for qualifying candidates with legal background to assume judicial posts. It is also responsible for raising the competence of court staff through continuous training to keep them informed of the latest legal, technical and procedural developments related to their work that are in accordance with best international practices.

The Judicial Institute of Jordan carries out several general and specialized trainings for old and new judges to advance their knowledge and remain abreast with scientific developments in the legal jurisprudence field, including the continuing education program. This program includes continuing education courses, seminars and workshops for judges, judicial assistants and staff, as well as visitors with legal background. The program focuses on modern ways of litigation, emerging legal matters, new legislative amendments and relevant procedures and applications.

The Judicial Institute of Jordan's diploma program is a non-academic preparatory program for those holding a minimum of a bachelor's degree in law. Candidates who successfully pass the program are awarded a diploma certificate. In addition, the Ministry of Justice, through the Future Judges Program, attracts qualified candidates to study at the Institute. Top law school graduates from Jordanian universities,

lawyers, court staff and candidates are seconded to obtain their LLA and LLM in law according to objective scholarship regulations.

Given the important role that the Judicial Institute plays in supporting the Judicial Authority's strategy, raising awareness of the importance of judicial independence and the immunity of judges, and the role it plays in the field of judicial training, the Strategy dedicates an entire objective for enhancing the capacity of the Judicial Institute and opening new avenues before it through:

- Reviewing the legislative framework of the Judicial Institute
- Revising the training plan
- Developing a training curriculum that regulates the field training in courts
- Focusing on the practical and academic training
- Providing the Institute with a faculty having extensive judicial experience, according to objective and specific criteria
- Re-visiting the admission criteria of Institute candidates, according to the needs of the judiciary
- Continuing to attract more qualified and outstanding candidates to study law and qualify candidates in a manner that meets the needs of the Judicial Authority
- Keeping pace with the rapid developments the world is witnessing in all fields and providing access to legislation issued in that regard
- Developing standards for preparatory programs in terms of the study plan, its duration and admission guidelines
- Establishing a mechanism for cooperation between the Judicial Inspection Directorate and the Judicial Institute to provide the Institute with the training needs of judges in terms of seminars and programs, based on Judicial Inspection reports, which will lead to the development of judicial work.
- Implement training programs organized by the Judicial Council and the Administrative Units.

#### **5. Strengthen and enhance the role of Administrative Units to support the work of the Judicial Council**

The Administrative Units falling under the Judicial Council were established pursuant to article 45 of the Judicial Independence Law No. 15 of 2001. The organizational structure of these units is comprised of the Judges Affairs Unit, the Training and Specialization Unit, the Planning and Development Unit, and the Chief Justice's Office and the Secretariat. It is important to note that work has started on drafting an amended Administrative Units Regulations that includes the addition of a general secretariat to the Judicial Council. However, it has not yet been endorsed by concerned entities. The Administrative Units oversee and manage the process of preparing the Judicial Authority Strategic Plan and training its 14 employees on its preparation and drafting. The role of the Administrative Units is activated and enhanced through the following key activities:

- Developing a clear Annual Action Plan for each unit
- Assigning employees to work full-time at the units
- Training Administrative Units' staff on planning, research methodologies and opinion surveying, and polling

## **6. Strengthen and Develop the Technical Office**

Regulations of the Technical Office at the Court of Cassation were issued in accordance to article 12 of the Regular Courts Formation Law No. 17 of 2001. The Technical Office provides legal, technical and administrative support to the Court of Cassation. This includes the classification of cases and motions filed before it and their distribution among judicial chambers according to specialization. It also provides judicial chambers with the needed legislation, past judgments and precedents related to each case according to its type and subject matter, as well as any legal studies and research it may need. Additionally, it works on drawing legal principles based on the decisions and judgments issued by the Court of Cassation and in turn the Technical Office classifies them and undertakes necessary measures to facilitate their publication. The Technical Office also analyzes judicial precedents, provides the necessary studies and opinions to the President of the Court of Cassation, which contributes to the establishment of legal principles. It also provides courts with legislation and legal precedents that the Director deems necessary to be disseminated. The performance and functions of the Technical Office over the next three years will be strengthened and enhanced by:

- Increasing the number of judges working at the Technical Office in a manner commensurate with the workload of the Office
- Establishing a specialized legal references library and supply it with new and modern specialized legal research, resources, and books
- Providing the Office with support staff
- Putting a specific mechanism in place for supplying courts with the latest legislation and judicial precedents.

## **7. Strengthen and develop the capacity of the State Lawyer Department.**

The State Lawyer and his/her assistants represent the state in treasury-related civil cases that are either filed by or against the state. The State Lawyer and his/her assistants are regular judges who are appointed or seconded by the Judicial Council and are administratively linked to the Minister of Justice.

Given the importance of the responsibility assigned to the State Lawyer Department, a comprehensive objective was dedicated within the Strategy for developing and strengthening this department which relates to reviewing all relevant legislation, developing its work methodology, and methods of appointing State Lawyer assistants.

<b>Pillar 1 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators (KPI)</b>	<b>KPIs Measurement</b>



			<b>Tools</b>
<b>1. Set the Principles of Judicial Independence and Build is Institutions</b>		<b>1. Complete the principles of Judicial Authority independence-legislatively and institutionally</b>	All measurement tools of the objectives
<b>1.1 Enhance institutional independence of the judiciary</b>		<b>1.1 Complete the laws and legislation that regulate the independence of Judicial Authority institutions</b>	1. Review documents issued by the Judicial Council and identify the size of achievement in this field
1.1.1 Develop a Judicial Authority law that includes the Judicial Independence Law and the Regular Courts Formation Law	Legislation Program		2. Conduct a number of meetings with judges and heads of relevant institutions to measure satisfaction on achievements that support the independence of the Judicial Authority.
1.1.2 Amend laws that regulate the work of the Judicial Council, such as the Judicial Independence Law	Legislation Program		
1.1.3 Issue the amended Administrative Units Regulations	Legislation Program		
<b>1.2 Provide a judicial environment supportive of the individual independence of judges</b>		<b>1.2 Complete the laws, regulations and procedures that support judges' individual independence that have become enforced</b>	1. Review documents issued by the Judicial Council and identify the size of achievement in this field in terms of legislation, procedures and services
1.2.1 Review legislation related to the individual independence of the judges	Legislation Program		2. Conduct an assessment study of Judicial Inspection criteria and the facilities provided to judges as well
1.2.2 Review legislation that supports the individual independence of the judge to guarantee security, appropriate pay and service terms and retirement pay	Legislation Program		
1.2.3 Review the system of promotion of judges based	Legislation Program		

	on objective criteria (competence, integrity and experience)			as their basis of promotion, transfer, secondment etc.
1.2.4	Raise awareness of the Judicial Code of Conduct and establish an accountability system in the event of violation of the Code	Awareness and Education Program		3. Survey the opinions of judges and conduct interviews with representatives of relevant institutions to measure the level of satisfaction of judges and identify strengths and weaknesses in this area
1.2.5	Establish a Public Services office for judges in all courts across the Kingdom	Institutional Capacity Building and Human Resources Program		
1.2.6	Study the criteria and basis adopted in the appointment, promotion, secondment and dismissal of judges	Studies, Research, Planning and Opinion Surveying Program		
1.2.7	Establish a social and cultural club for judges in accordance with the Constitutional amendments (a Judges' Club).	Institutional Capacity Building and Human Resources Program		
1.3	<b>Strengthen the capacity of the Judicial Inspection body and develop its work methodology</b>		1.3.1 Enhance the capacity of Judicial Inspection qualitatively and quantitatively. 1.3.2 Complete the review of inspection criteria and develop its work mechanisms.	
1.3.1	Review the legislative framework related to Judicial Inspection (transfer control of Judicial Inspection to the Judicial Council. Selection methodology of inspectors, job security, immunity, and accountability of inspectors)	Legislation Program		1. Review documents related to achievements in the legislative, organizational and logistical framework of Judicial Inspection qualitatively and quantitatively 2. Monitor improvement in the number of inspection visits and review inspectors' reports 3. Conduct a
1.3.2	Review and develop specific criteria for the	Legislation Program		

	work of Judicial Inspectors, and review periodically			study to identify the satisfaction level among judges on judicial inspection methodology, mechanism and criteria
1.3.3	Provide the Judicial Inspection Directorate with the necessary equipment and supplies	Institutional Capacity Building and Human Resources Program		
1.3.4	Provide the judicial inspection with qualified and experienced judges to work in the capacity of inspectors	Institutional Capacity Building and Human Resources Program		
<b>1.4</b>	<b>Build the institutional capacity of the Judicial Institute of Jordan</b>		<b>1.4 Raise the capacity level and outputs of the Judicial Institute qualitatively and quantitatively</b>	1. Review documents related to achievements in the legislative, organizational and logistical framework of the Judicial Institute 2. Monitor the development in the number of highly-qualified candidates to study at the Institute and the number of qualified teaching faculty 3. Assessment study to measure the quality of the Institute's outputs and their matching of the needs of courts
1.4.1	Review the legislative framework of the Judicial Institute	Legislation Program		
1.4.2	Revise the training plan, with emphasis on practical aspects in addition to academics	Studies, Research, Planning and Opinion Surveying Program		
1.4.3	Review and develop the Future Judges Program	Institutional Capacity Building and Human Resources Program		
1.4.4	Develop a training curriculum that regulates field training in courts	Training and Specialization Program		
1.4.5	Provide the Institute with a faculty that has extensive judicial experience, according to objective and specific criteria	Institutional Capacity Building and Human Resources Program		
1.4.6	Re-visit the selection criteria of candidates to join the Institute, according to the needs of the judiciary	Institutional Capacity Building and Human Resources		

	Program		
1.4.7 Continue to attract qualified and outstanding candidates to study law and qualify them in a manner that meets the needs of the Judicial Authority	Institutional Capacity Building and Human Resources Program		
1.4.8 Implement training programs organized by the Judicial Council and the Administrative Units	Training and Specialization Program		
<b>1.5 Strengthen and enhance the role of Administrative Units to support the work of the Judicial Council</b>		<b>1.5 Raise the capacity level and outputs of Administrative Units in quantity and quality</b>	1. Review the administrative and organizational enhancements of the work of Administrative Units and the quality of plans that regulate its work 2. Monitor the number and quality of trainings attended by Units' staff 3. Survey the opinion of Judicial Council members on the performance of Administrative Units
1.5.1 Activate the Administrative Units Regulations	Legislation Program		
1.5.2 Develop a clear annual Action Plan for the Judicial Council to guarantee the implementation of the strategy	Studies, Research, Planning and Opinion Surveying Program		
1.5.3 Link the Administrative Units through an automated system and develop it	Institutional Capacity Building and Human Resources Program		
1.5.4 Assign full-time employees to work at the Administrative Units	Institutional Capacity Building and Human Resources Program		
1.5.5 Train Administrative Units staff on various areas	Training and Specialization Program		
1.5.6 Review the experiences of other countries and exchange best practices expertise	Studies, Research, Planning and Opinion Surveying Program		
<b>1.6 Strengthen and develop the Technical Office</b>		<b>1.6 Raise the capacity level and</b>	
			1. Review administrative

		<b>outputs of the Technical Office in quantity and quality</b>	and logistical enhancements related to the work of the Technical Office
1.6.1 Put a specific mechanism in place for supplying courts with the latest legislation and judicial precedents	Communications Program		2. Survey the opinions of Judicial Council members with regard to the performance of the Technical Office
1.6.2 Increase the number of judges working at the Technical Office corresponding to the workload of the Office	Institutional Capacity Building and Human Resources Program		
1.6.3 Establish a specialized legal references library and supply it with new and modern specialized legal researches and books	Institutional Capacity Building and Human Resources Program		
1.6.4 Provide the Office with support staff	Institutional Capacity Building and Human Resources Program		
<b>1.7 Strengthen and develop the capacity of the State Lawyer Department</b>		<b>1.7 Raise the capacity level and outputs of the State Lawyer Department in quantity and quality</b>	1. Review legislative enhancements related to the work of the State Lawyer Department
1.7.1 Review relevant legislation	Legislation Program		
1.7.2 Develop the methodology and mechanisms of appointing Assistant State Lawyers	Institutional Capacity Building and Human Resources Program		

## **Pillar (2) – An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trials and Promotes Public Confidence**

The previous pillar included the strengthening of the independence of the Judicial Authority and building and developing its institutions in a manner consistent with the principles of independence. This pillar focuses on the effectiveness of the judiciary and the enhancement of the quality of judicial judgments towards achieving effective and timely justice. This will be achieved through developing monitoring and accountability systems of Judicial Inspection, reducing litigation time, and ensuring the efficient enforcement of judgments. Following are the main objectives falling under this pillar and the activities to achieve them:

### **1. Enhance the capacity of judges and build their knowledge and skills**

Judicial training is an important tool in enhancing the capacity of judges, improving their knowledge, skills, and enhancing judicial effectiveness. This helps to improve the quality of justice services and the performance of courts. It is also one of the means of strengthening the principle of Judicial Independence and the general rights of access to justice. The need to develop existing judicial training programs and/or to develop new training strategies to maintain the high quality of judicial work arose from fundamental changes in the judicial system and the continued increase in the number of newly-appointed judges to meet the steady rise in cases filed before the different court levels. This resulted from the improved concept of the rule of law in the society on one hand, and on the other hand, the issuance of an increasing number of more complex and specialized legislation coupled with the multiplying workload on judges. The main activities proposed to achieve this goal are as follows:

- Develop a system and rules for the continuing education training of judges
- Develop a comprehensive training curriculum for sitting judges and new judges before beginning their judicial work
- Qualify trainers from within the judiciary in various specializations
- Send judges to study abroad in areas that meet the needs of judicial work
- Send judges to review regional and international judicial experiences according to objective criteria
- Develop an annual training plan for judges across all court levels, as needed

### **2. Develop the monitoring and accountability system of the Judicial Inspection Unit according to objective and effective criteria**

This goal indicates the desire of the judiciary to achieve the principle of Judicial Independence from the executive branch, through transferring the Judicial Inspection function over the work of judges from the Ministry of Justice to the Judicial Council. This will be achieved through specific legislation on Judicial Inspection. In addition, this objective also deals with raising the efficiency of inspectors through developing training programs and activating the principle of specialization. These measures enhance the independence of the judiciary, support the independence of individual judges, and increase the effectiveness of courts. The following are the main activities that will be implemented to support the attainment of this goal:

- Activate the principle of specialization in Judicial Inspection

- Prepare a training curriculum for judicial inspectors
- Develop continuous training programs for inspectors
- Study the experiences of other countries in this field

### **3. Improve the quality of court judgments**

This goal focuses on the importance of the quality of judicial decisions issued by regular courts. In order to improve the quality of judicial decisions, it is important to specify what is meant by the term ‘quality judicial work’ through both approved criteria and providing the appropriate environment for achieving the desired quality. The quality of judicial decisions can be enhanced by raising the competence of judges, building the knowledge of litigants, improving Judicial Inspection means, reducing loads on judges through monitoring the size of newly-registered cases, both qualitatively and quantitatively, as well as activating the principle of judicial specialization. To achieve this, the following activities must be implemented:

- Enhance the principle of judicial specialization
- Continue to implement the principle of separation of judges in civil and criminal chambers in First Instance, Appeals Courts, and the Court of Cassation
- Hold meetings/seminars/workshops specialized in drafting Judicial Judgments
- Provide courts with specialized legal libraries (sources of information)
- Disseminate jurisprudence issued by the General Assembly and five-panel members of the Court of Cassation among all judges in the country
- Provide meeting rooms inside each court for knowledge exchange and to discuss emerging legal points
- Develop mechanisms for following-up on the accuracy of data entered into the automated system

### **4. Reduce litigation time**

Lengthy litigation procedures significantly deter people from filing cases before courts. Adjudication procedures can take a long time, leading to obstruction of justice.

There are many causes that impede the speedy disposition of cases. Several studies were conducted to determine the reasons for case delay and put forward solutions to reduce litigation time. Reasons for case delay include: the monotony of judicial procedures; continuous postponements either due to requests filed by litigants’ lawyers or for reasons perceived by the court as necessary for the soundness of reviewing the case; legislative gaps governing trial proceedings; and the notification system. Activities that will help reduce the duration of litigation include:

- Re-visiting legislation governing litigation procedures of trials
- Enhancing judicial specialization among judges
- Unifying work procedures at courts
- Re-visiting the notification system

- Conducting a periodic study of late and complex cases and putting in place a specific mechanism to expedite them
- Providing courts with qualified support and administrative staff

### **5. Guarantee the speedy enforcement of closed cases to achieve timely justice**

The issue of enforcing court decisions of closed cases is just as important as issuing judgments. The process of judgment enforcement constitutes a fundamental pillar of the rule of law and the carrying out of efficient justice on the ground. There are several reasons that hinder the timely enforcement of closed cases. Studies were conducted to identify such reasons and devise appropriate solutions. Reasons hindering the timely enforcement of closed cases include: shortfalls in Enforcement Law; lenience in the administration and management of enforcement; shortcomings in the notification system; and poor channels of communication between enforcement and other relevant departments and other relevant departments. Following are activities that will support the efficient enforcement of judgments in a timely manner:

- Amending the Enforcement Law
- Preparing a unified procedures manual for the operations of Enforcement Departments
- Increasing the number of support staff at Enforcement Departments
- Developing training programs for Enforcement Judges
- Developing training programs for Enforcement Department staff
- Developing and implementing the automated system across all enforcement departments in the Kingdom
- Developing a unified and automated financial system for Enforcement Departments (calculation of amounts and interest, distribution of revenues from sales, issuing reimbursement checks, etc.)
- Enhancing communication channels between enforcement departments and other departments (Department of Land and Survey, banks, the Ministry of Industry and Trade, etc.)
- Supplying Enforcement Departments with necessary equipment
- Develop key performance indicators for enforcement departments

### **6. Reduce the caseload of courts and improve its performance**

Courts adjudicate cases filed during the year as well as backlog from previous years. Caseloads increase year after year and accordingly, the caseload of judges increases. For example, during 2010 the number of cases filed and the number of backlog cases in all First Instance courts amounted to approximately 88,500 cases. The average caseload per judge was 470 cases a year. The caseload of First Instance judges varies from one area to another. In the north, it reached over 600 cases per year. The number of new cases filed before Appeals Courts during the same year reached 76,000, amounting to a caseload average of 2112 per judicial panel per year. In 2010, Conciliation Courts had a combined total of 298,000 cases filed and previous backlog, with an average of 1285 cases per judge.

This heavy load on judges, judicial panels and support staff requires that alternative means be explored to reduce workload on judges and courts. Accordingly, mediation was



established as an alternative mechanism to litigation that contributes to civil case load reduction. Work must continue to explore other mechanisms to reduce caseload before courts, which necessitates a separate goal be set for it in the Judicial Strategy. To reduce workload on courts, the following measures will be implemented:

- Review all legislation related to alternative disputes resolution mechanisms (mediation)
- Complete the establishment and proper equipping of mediation departments in First Instance courts across the Kingdom
- Increase the number of judicial mediators and private mediators and train them on the necessary skills for successful mediation
- Implement awareness programs on the importance of mediation
- Activate Case Management departments to contribute in the reduction of workload on courts
- Redistribute judges according to the actual needs of courts
- Provide courts with qualified judges commensurate with the needs of courts
- Activate a system using paralegals to support workload reduction
- Establish a case file documentation and archival system
- Develop a mechanism for monitoring and following-up on the work of Registrar Offices at courts

## **7. Develop the Administrative Judiciary System**

The Court of Higher Justice Law No. 12 of 1992 constitutes the legislative basis for the organization of the Administrative Judiciary in Jordan. The legislature wanted this court to audit the public administration by enabling individuals to defend themselves against decisions of public administration that are erroneous and contrary to laws, regulations and instructions.

The subject of the Administrative Judiciary includes topics pertaining to management, administration and protecting the fundamental rights of individuals. The goal of the Administrative Judge revolves around rectifying work of the Administrative Authority in the event it deviated from the respect for the rule of law. Accordingly, the Administrative Judiciary is a recourse measure for individuals to achieve justice and apply the law. It is the arena in which individual rights and freedoms are safeguarded and protected. In order for individuals to ensure effective protection of their rights, they must have basic guarantees that lead towards ensuring them a fair trial before the court and before the Administrative Judiciary.

In line with the current comprehensive reform movement, including recent Constitutional amendments, work is currently underway in preparing a draft Administrative Judiciary Law whereby administrative cases are to be adjudicated at two levels. This is pursuant to both the vision of His Majesty and with the Constitutional amendment which states that the Administrative Judiciary will be litigated on two levels. Within this context, the following activities were formulated to develop the Administrative Judiciary:

- Repeal the Court of Higher Justice Law and issue legislation for the establishment of an Administrative Judiciary that provides for adjudication on two levels

- Provide appropriate staffing training in line with the Constitutional amendments
- Provide the appropriate infrastructure and necessary equipment/supplies
- Develop the automated system commensurate with the new amendments
- Review regional and international experiences and best practices in the field of the Administrative Judiciary
- Conduct seminars, meetings and workshops on the latest amendments to the new Administrative Justice law
- Conduct training programs for Administrative Court judges on the Administrative Judiciary

<b>Pillar 2 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators</b>	<b>KPIs Measurement Tools</b>
<b>2. An Enhanced Judicial Authority that is Competent and Effective, the Guarantor of Fair Trial and Promotes Public Confidence</b>		<b>Improved public satisfaction with and confidence in the fairness of the judiciary</b>	Conduct a survey study on a national sample to assess level of improvement in the confidence of the public in the fairness of the judiciary
<b>2.1 Enhance the capacity of judges and build their knowledge and skills</b>		2.1.1 increase the number of training courses based on the needs of judges. 2.1.2 improve the capacity of judges in terms of knowledge and skills	Conduct an assessment study of training courses in terms of training material and the acquired knowledge and skills.
2.1.1 Develop the system and rules for the continuing education and training of judges	Training and Specialization Program		
2.1.2 Develop a comprehensive training curriculum for sitting judges and new judges before commencing judicial work	Training and Specialization Program		
2.1.3 Develop an annual training plan for judges across all court levels, as needed	Training and Specialization Program		
2.1.4 Qualify trainers from within the judiciary in various specializations	Training and Specialization Program		

2.1.5	Send judges to study abroad in areas that meet the needs of judicial work	Training and Specialization Program		
2.1.6	Send judges to review regional and international judicial experiences according to objective criteria	Training and Specialization Program		
2.2	<b>Develop the monitoring and accountability system of the Judicial Inspection according to objective criteria</b>		2.2.1 Endorse objective criteria for the monitoring and accountability of the judicial inspection. 2.2.2 Develop a training curriculum that accounts for the training needs of inspectors and judicial specialization.	1. Appraisal of inspection criteria by specialized experts in the field. 2. Evaluation of training programs in terms of training material and the performance of trainers by trainees. 3. Conduct a study to identify the satisfaction level of judges with regard to the methodology, mechanism and criteria of judicial inspection.
2.2.1	Activate the principle of specialization in judicial inspection	Training and Specialization Program		
2.2.2	Prepare a training curriculum for Judicial Inspectors	Training and Specialization Program		
2.2.3	Develop continuous training programs for inspectors	Training and Specialization Program		
2.2.4	Study the experiences of other countries in this field	Studies, Research, Planning and Opinion Surveying Program		
2.3	<b>Improve the quality of court judgments</b>		2.3.1 Reduce the number of appeals in the decisions of appeals courts. 2.3.2 Improve the specialization competence and capacity of judges.	1. Conduct a statistical study of closed cases data to identify to identify the change in the number of appeals and the percent of improvement in the affirmation of judgments by Courts of Appeal and the Cassation Court.
2.3.1	Enhance the principle of judicial specialization	Training and Specialization Program		
2.3.2	Continue to implement the principle of separation of judges in civil and	Institutional Capacity Building and		

	criminal chambers in First Instance, Appeals Courts, and the Court of Cassation	Human Resources Program		2. Identify the number and type of judicial specialization adopted in courts.
2.3.3	Enhance scientific research on judicial judgments	Studies, Research, Planning and Opinion Surveying Program		
2.3.4	Hold meetings/seminars/workshops specialized in drafting judicial judgments	Training and Specialization Program		
2.3.5	Provide courts with specialized legal libraries (sources of information)	Institutional Capacity Building and Human Resources Program		
2.3.6	Disseminate jurisprudence issued by the General Assembly and five-panel members of the Court of Cassation among all judges	Institutional Capacity Building and Human Resources Program		
2.3.7	Provide meeting rooms inside each court for knowledge exchange and to discuss emerging legal points	Institutional Capacity Building and Human Resources Program		
2.3.8	Develop mechanisms for following-up on the accuracy of data entered into the automated system	Institutional Capacity Building and Human Resources Program		
2.4	<b>Reduce litigation time</b>		<b>2.4 Reduce the percent of pending cases at courts as the result of more efficient clearance of cases.</b>	1. Review legislative enhancements that regulate litigation procedures and notifications. 2. Conduct a statistical study of closed cases data to identify the level of reduction in pending cases, particularly cases
2.4.1	Re-visit legislation governing litigation procedures of trials	Legislation Program		
2.4.2	Enhance judicial specialization among judges	Training and Specialization Program		
2.4.3	Unify work procedures at	Institutional		

courts	Capacity Building and Human Resources Program		older than one year. 3. Identify the number and type of judicial specialization adopted in courts.
2.4.4 Re-visit the notification system	Legislation Program		
2.4.5 Conduct a periodic study of late and complex cases and put into place a specific mechanism to expedite them	Studies, Research, Planning and Opinion Surveying Program		
2.4.6 Provide courts with qualified support and administrative staff	Institutional Capacity Building and Human Resources Program		
<b>2.5 Guarantee the speedy enforcement of closed cases to achieve timely justice</b>		2.5 Reduce the average time of enforcement of cases from the date of its resolution.	
2.5.1 Amend the Enforcement Law	Legislation Program		1. Review legislative amendments of the Enforcement Law and their relevance in terms of expediting enforcement of closed cases. 2. Review financial systems and communication mechanisms with other establishments to identify improvement level in the KPIs pertinent to the work of enforcement departments. 3. Conduct a statistical study of closed cases data to identify the level of reduction in the average time of enforcement from
2.5.2 Prepare a unified procedures manual for the operations of Enforcement Departments	Studies, Research, Planning and Opinion Surveying Program		
2.5.3 Increase the number of support staff at Enforcement Departments	Institutional Capacity Building and Human Resources Program		
2.5.4 Develop training programs for Enforcement judges	Training and Specialization Program		
2.5.5 Develop training programs for Enforcement Department staff	Training and Specialization Program		
2.5.6 Develop and implement the automated system across all Enforcement Departments in the Kingdom	Institutional Capacity Building and Human Resources Program		

2.5.7	Develop a unified and automated financial system for Enforcement Departments (calculation of amounts and interest, distribution of revenue from sales, issuance of reimbursement checks, etc.)	Institutional Capacity Building and Human Resources Program		the date of its resolution.
2.5.8	Enhance communication channels between Enforcement Departments and other departments (Department of Land and Survey, banks, the Ministry of Industry and Trade, etc.)	Communications Program		
2.5.9	Supply Enforcement Departments with necessary equipment	Institutional Capacity Building and Human Resources Program		
2.5.10	Develop Key Performance Indicators for Enforcement Departments	Institutional Capacity Building and Human Resources Program		
2.6	<b>Reduce the caseload of courts and improve its performance</b>		2.6 Reduce the average caseload of judges and judicial panels and improve performance level.	1. Review ADR related legislation (mediation). 2. Conduct a study to identify the mechanism of distributing judges among courts, the judicial assistants programs and the archiving system. 3. Conduct a statistical study of closed cases data to identify reduction level in the caseload of judges and judicial panels.
2.6.1	Review all legislation related to alternative disputes resolution mechanisms (mediation)	Legislation Program		
2.6.2	Complete the establishment and proper equipping of mediation departments in First Instance courts across the Kingdom	Institutional Capacity Building and Human Resources Program		
2.6.3	Increase the number of judicial and private mediators; train them on the necessary skills for successful mediation	Institutional Capacity Building and Human Resources Program		

		Training and Specialization Program		
2.6.4	Implement awareness programs on the importance of mediation	Awareness and Education Program		
2.6.5	Activate the role of case management departments to help reduce the workload of courts	Institutional Capacity Building and Human Resources Program		
2.6.6	Redistribute judges according to actual needs of courts	Institutional Capacity Building and Human Resources Program		
2.6.7	Provide courts with qualified judges commensurate with the needs of courts	Institutional Capacity Building and Human Resources Program		
2.6.8	Activate a system using paralegals to support workload reduction	Legislation Program		
2.6.9	Establish a case file documentation and archival system	Institutional Capacity Building and Human Resources Program		
2.6.10	Develop a mechanism for monitoring and following-up on the work of Registrar Offices at courts	Institutional Capacity Building and Human Resources Program		
<b>2.7</b>	<b>Develop the Administrative Judiciary system</b>		<b>2.7 Complete the building of the a two-level administrative judiciary</b>	1. Review legislative enhancements governing the work of administrative judiciary. 2. Conduct a study to identify the
2.7.1	Repeal the Court of Higher Justice Law and issue legislation for the establishment of an	Legislation Program		

	Administrative Judiciary that is adjudicated on two levels			level of improvement of judges, support staff and infrastructure.
2.7.2	Provide an appropriate number of judges trained in line with the Constitutional amendments	Institutional Capacity Building and Human Resources Program		
2.7.3	Provide appropriate staffing and qualify them to work at the Administrative Court	Institutional Capacity Building and Human Resources Program		
2.7.4	Provide the appropriate infrastructure and necessary equipment/supplies	Institutional Capacity Building and Human Resources Program		
2.7.5	Develop the automated system commensurate with the new amendments	Institutional Capacity Building and Human Resources Program		
2.7.6	Review regional and international experiences and best practices in the field of the Administrative Judiciary	Studies, Research, Planning and Opinion Surveying Program		
2.7.7	Conduct seminars, meetings and workshops on the latest amendments to the new Administrative Justice law	Training and Specialization Program		
2.7.8	Conduct training programs for Administrative Court judges on the Administrative Judiciary	Training and Specialization Program		



### **Pillar (3) – Achieve an Efficient Criminal Justice According to Latest Criteria**

Over the past years, effort has been undertaken to develop the work of the Public Prosecution service in order to enhance its independence and conduct all investigations in an independent manner. The Public Prosecution, by exercising its mandate and responsibilities in accordance with the law, is considered the main basis of judicial work. The responsibility of the Public Prosecution is established as handling criminal cases on behalf of society, supervising judicial police, applying criminal laws, and enforcing judgments towards a safer society and the protection of the rights of citizens. Given the importance of Public Prosecution, a pillar was dedicated for this component, under which five objectives were outlined:

#### **1. Strengthen the Public Prosecution service and enhance the capacity of its judicial members**

Developing the performance of the Public Prosecution service requires empowering it through specialization, the current trend of the century. It also requires that it be equipped with outstanding judges that meet its needs as well as training its staff and providing them with job stability and security.

This pillar requires reviewing the law that defines the relationship between the Ministry of Justice and the Public Prosecution to improve the quality of work, better meet the needs of Public Prosecution members, and grant the Prosecutor General wide prerogatives over the affairs of public prosecution members within the legal framework. In addition, work on the following must be carried out over the coming three years:

- Develop clear rules for the appointment and job stability of Public Prosecution members
- Implement the principle of specialization in the work of the Public Prosecution
- Provide the Public Prosecution with qualified judge members
- Develop a training plan and conduct training programs for Public Prosecution members, according to latest standards
- Develop and update the automated system
- Improve and enhance the infrastructure

#### **2. Develop the Criminal Justice system**

Criminal justice is important, given that an individual may be subjected to exceptional measures that affect his/her personal freedom, such as interrogation and detention. The international community has given special attention to human rights in the Criminal Justice field through the adoption of many international standards aimed at ensuring the rights and freedoms of individuals under the Criminal Justice system. On this premise, the goal is to develop the criminal justice system over the next three years in a manner commensurate with international standards and which requires the implementation of the following activities:

- Activate the role of probation officers in juvenile cases
- Conduct courses on concepts and guarantees of fair trials

- Hold training courses on the application of international agreements related to human rights

### **3. Institutionalize the Relation between the Public Prosecution, Security Institutions, and other Relevant Institutions**

Activating relations between the Public Prosecution and security institutions, as well as other relevant entities (including the Bar Association and civil society organizations), is important to ensure compliance with current laws, respect for international human rights standards, and the dissemination of knowledge aimed at enhancing the rule of law and integrity. This cooperation would fall within a framework that governs this collaboration and provides civil society organizations enough freedom to carry out its role properly. It is important to verify the extent to which public prosecution members exercise pressure on the accused. The goal is to ensure the proper treatment of the accused in a way that safeguards dignity and rights, provides prisoners with guarantees inside the prison, monitoring over prisons, and receiving and addressing prisoner complaints.

This objective defined the basis of the relationship between the Public Prosecution, security institutions, as well as other entities, through joint cooperation and coordination programs/plans that outline roles and responsibilities. Following are entities where coordination has begun:

- Police stations
- Judicial enforcement
- Rehabilitation and correctional facilities
- Juvenile care centers
- Jordanian Bar Association
- Media
- Civil society organizations concerned with human rights and the fight against crime

### **4. Develop and Modernize Legislation Governing the Work of the Public Prosecution**

The Public Prosecution, by exercising its mandate and responsibilities in accordance with the law, is considered the main basis upon which the judicial work is carried out. The responsibilities of the Public Prosecution are defined as handling the public case on behalf of society, supervising judicial police, applying criminal laws, and enforcing judgments. Currently, the public prosecution is administratively linked to the Minister of Justice. It faces challenges related to finance, administration, and training. This requires the issuance of a special law for the Public Prosecution service that establishes its uniqueness, complete with judicial and administrative staff and a measure of specialization. It is important for the law to be relevant to the diversity of current day crimes, particularly in the financial and economic crimes realm. This includes, among other areas, stock market, publications, and intellectual property. It also calls for specialization within the Prosecution, granting them proper stature and training, and providing them with the needed administrative personnel. In addition to issuing a law, work on the following must also be conducted:

- Review relevant legislation including: Criminal Procedures Code, Juvenile Law, and the Rehabilitation and Correctional Facilities Law
- The establishment of a specialized Judicial Police
- Introducing an alternative sentencing system

### 5. Develop legislation governing criminal trial proceedings

To achieve an effective criminal justice system, it is important to review the legislation that regulates criminal court procedures, including the Criminal Procedures Code and the Conciliation Courts Law, with the aim of reducing litigation time without affecting the rights of defendants, simplifying criminal court proceedings, and accounting for Criminal Justice systems standards during litigation and sentence enforcement.

<b>Pillar 3 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators</b>	<b>KPIs Measurement Tools</b>
<b>3. Achieve an Efficient Criminal Justice According to Latest Criteria</b>		<b>A criminal justice system that is in line with national and international criteria</b>	Conduct a comparative study of criteria
<b>3.1 Strengthen the Public Prosecution service and enhance the capacity of its member judges</b>		3.1 Enhance performance of Public Prosecution member judges	Conduct an assessment study to identify enhancement in the performance of Public Prosecution member judges
3.1.1 Develop clear rules for the appointment and job stability of Public Prosecution members	Legislation Program		
3.1.2 Implement the principle of specialization in the work of the Public Prosecution	Training and Specialization Program		
3.1.3 Provide the Public Prosecution with qualified judges	Institutional Capacity Building and Human Resources Program		
3.1.4 Develop a training plan and conduct training programs for Public Prosecution members, according to latest standards	Studies, Research, Planning and Opinion Surveying Program		
3.1.5 Develop and update the automated system	Institutional Capacity Building and Human Resources		

	Program		
3.1.6 Improve and enhance the infrastructure	Institutional Capacity Building and Human Resources Program		
<b>3.2 Develop the Criminal Justice System</b>		<b>3.2.1 Completion of the development of the Criminal Justice System</b> <b>3.2.1 Enhance the knowledge and skills of judges in criminal justice</b>	1. Review the criminal justice system and ascertain its compliance with human rights 2. Evaluate training content
3.2.1 Activate the role of probation officers in juveniles	Institutional Capacity Building and Human Resources Program		
3.2.2 Conduct courses on concepts and guarantees of fair trials	Training and Specialization Program		
3.2.3 Hold training courses on the application of international agreements related to human rights	Training and Specialization Program		
<b>3.3 Institutionalize the relation between the Public Prosecution, security institutions, and other relevant institutions</b>		3.3.1 Increase the number of institutions that sign the MOU with the Public Prosecution 3.3.2 Increase the number of training programs being implemented in cooperation with relevant entities	
3.3.1 Develop a cooperation and coordination program with relevant stakeholders to include: <ul style="list-style-type: none"> <li>Police stations, judicial enforcement, juvenile rehabilitation centers, the Bar Association, and the media</li> </ul>	Communications Program		

<ul style="list-style-type: none"> <li>• Civil society organizations concerned with human rights and the fight against crime</li> </ul>			
3.3.2 Draft MOUs between the Public Prosecution and other relevant entities	Communications Program		
<b>3.4 Develop and modernize legislation governing the work of the Public Prosecution</b>		<b>Complete the development and updating of legislation that regulates the work of the Public Prosecution service in accordance with international standards</b>	Document laws and legislation that regulates the work of the Public Prosecution
3.4.1 Issue a dedicated law for the Public Prosecution	Legislation Program		
3.4.2 Review relevant legislation including: <ul style="list-style-type: none"> <li>▪ Criminal Procedures Code</li> <li>▪ Juveniles Law</li> <li>▪ Rehabilitation</li> <li>▪ Correctional Facilities Law</li> </ul>	Legislation Program		
3.4.3 Study the establishment of a specialized Judicial Police	Studies, Research, Planning and Opinion Surveying Program		
3.4.4 Introduce the alternative sentencing system	Legislation Program		
<b>3.5 Develop legislation governing criminal trial proceedings</b>		<b>Complete the development and updating of laws that regulate criminal proceedings in accordance with international standards</b>	Document laws and legislation that regulate criminal proceedings
3.5.1 Conduct studies on legislative challenges pertaining to legislation governing criminal proceedings	Studies, Research, Planning and Opinion Surveying Program		

3.5.2	Develop recommendations for updating current legislation	Studies, Research, Planning and Opinion Surveying Program		
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#### **Pillar (4) – Institutionalize the Relationship between the Judiciary and the Ministry of Justice**

The Royal vision towards the Judicial Authority and the Constitutional amendments confirm His Majesty's aspirations towards establishing the Judicial Authority's independence and separation of powers. Achieving a balanced separation between the three branches of the political system (the Executive, the Legislature and the Judiciary), in addition to activating balanced and reciprocal checks between them, the respect of each other's functions and jurisdiction according to the applicable and adopted constitutional and legal rules, shall help in building the national integrity system. This is based on expanding the horizontal accountability base to the extent that power will never be under one single authority.

There are interferences in the functions and work of the Judicial Council by the Ministry of Justice which calls for a thorough study in order to characterize such relation and reveal the problems stemming from it. This component includes four main objectives:

##### **1. Establish a complementary institutional relationship between the Ministry of Justice and the Judicial Authority, based on Constitutional amendments and develop the pertinent draft laws**

The reason behind the overlapping functions between the Ministry of Justice and the Judicial Council is usually attributed to the fact that the powers and authorities of each of them are not clearly defined in Judicial Authority Law/related regulations. In addition, it is due to ignoring the powers and authorities of one of them by the other in practice. This situation raises many questions regarding the understanding and respect of the separation of powers doctrine, which is based on the distribution of functions and on the existence of effective mutual checks and balances between such powers. This situation requires the issuance of a regulation, which shall define the relationship between the Ministry of Justice and the Judicial Authority.

##### **2. Put mechanisms in place to coordinate the relationship between the Ministry of Justice and the Judicial Authority**

Due to the overlapping of functions and activities between the Judicial Authority and the Ministry of Justice, there is a need to institutionalize the relationship between both entities in accordance with the Judicial Independence Law and the Constitutional amendments, in addition to the Royal vision concerning the development of the Judicial Authority functions and responsibility. It also requires clearly defining powers and authorities of each entity and allocating the work between them, according to an agreed-upon regulation or according to a Memorandum of Understanding signed by both parties as well as the establishment of a standing committee to follow up on the implementation of such MOU. Coordination and cooperation mechanisms should cover the following areas of interest for both entities including: the annual budget, court infrastructure and services, supporting administrative staff, public and international relations, information technology and communication, and other development projects.

##### **3. Guarantee the Implementation of the Strategic Plan by the Judicial Authority and the Ministry of Justice**

In order to complete the institutionalization of the work between the Ministry of Justice and the Judicial Authority, Strategic Plans must be developed for each entity in order to define the features of their mutual functions for the coming three years, in addition to procedural (executive) plans in order to assure cooperation in executing the mutual functions and programs during defined and preset time tables. This also requires the creation of following up and evaluation mechanisms.

#### **4. Enhance the services provided to the public at courts in coordination with the Ministry of Justice**

There are many activities which are being carried out by the Ministry of Justice, which require coordination between the Ministry and the Judicial Authority, in order to facilitate the provision of such services within certain time limits and according to agreed-upon mechanisms under the mutual executive plan. The work areas are limited to the following:

- The development of the Notary Public departments
- The development of the non-conviction certification departments
- The development of the notifications departments
- The improvement of the information and inquiry system in courts
- The improvement of liaison officers' offices in the Kingdoms' courts

<b>Pillar 4 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators</b>	<b>KPIs Measurement Tools</b>
<b>4. Institutionalize the Relationship between the Judiciary and the Ministry of Justice</b>		<b>Complete the legislative and institutional framework that regulates the relations between the Ministry of Justice and the Judicial Authority</b>	Review reports and documents to assess the ways laws are applied in practice
<b>4.1 Establish a complementary institutional relationship between the Ministry of Justice and the Judicial Authority based on Constitutional amendments, and develop pertinent draft laws</b>		<b>Complete the legislative framework that regulates the relations between the Ministry of Justice and the Judicial Authority</b>	Review reports and documents to assess the ways laws are applied in practice
<b>4.1.1 Judicial Independence Law (Judicial Authority) stipulates the issuance of a regulation that governs the relation between the</b>	<b>Legislation Program</b>		



	Ministry of Justice and the Judicial Authority			
4.1.2	Develop coordination mechanisms between the Ministry of Justice and the Judicial Authority in the following areas: annual budget, court infrastructure and facilities, administrative support staff, public and international relations, IT and communications, and other development projects	Studies, Research, Planning and Opinion Surveying Program  Institutional Capacity Building and Human Resources Program		
4.1.3	Issue regulation(s) that govern the relationship with the Ministry of Justice in the aforementioned areas	Legislation Program		
4.1.4	An independent budget for the Judicial Authority	Legislation Program		
4.1.5	Develop a work plan that outlines joint areas in preparation for its implementation. The plan will cover the following: infrastructure enhancement, continuous updating and developing the automated case management system (MIZAN), develop and enhance HR capacities among support functions based on a training needs assessment, develop a training curriculum to meet training needs, provide courts with qualified support staff according to each court's needs, joint coordination in developing local, regional and international relations, and any other development related issues.	Institutional Capacity Building and Human Resources Program		
4.2	<b>Guarantee the implementation of the</b>		4.2.1 Issue and endorse Strategic	Conduct a study to identify the level

<b>Strategic Plan for both the Judicial Authority and the Ministry of Justice</b>		Plans for the Judicial Authority and the Ministry of Justice 4.2.2 Develop follow-up and evaluation programs for both plans	of compliance with implementation of activities and programs outlined in the two plans, according to their timelines
4.2.1 Develop follow-up programs on the implementation of Strategic Plan components related to joint issues (field visits, etc.).	Studies, Research, Planning and Opinion Surveying Program		
4.2.2 Prepare regular reports on the implementation progress of the Strategic Plan for both the Judicial Authority and the Ministry of Justice	Communications Program		
4.2.3 Hold training courses on the application of international agreements related to human rights	Training and Specialization Program		
<b>4.3 Enhance the services provided to the public at courts in coordination with the Ministry of Justice</b>		<b>4.3 Improve satisfaction level among court users with the services provided to them by courts</b>	Conduct survey studies to solicit a satisfactory level among court users with the services provided to them by courts
4.3.1 Build on past achievements related to the enhancement of Notary Public Departments and the Criminal Registry Department in the areas of legislation, procedures and automation	Institutional Capacity Building and Human Resources Program		
4.3.2 Build on past achievements related to the enhancement of the non-conviction certification department in the areas of legislation, procedures and automation	Institutional Capacity Building and Human Resources Program		
4.3.3 Build on past	Institutional		

	achievements related to the enhancement of the Notifications Department in the areas of legislation, procedures, automation and staff	Capacity Building and Human Resources Program		
4.3.4	Develop a plan to improve the public inquiry and information services in all courts	Institutional Capacity Building and Human Resources Program		
4.3.5	Build on past achievements related to the enhancement of liaison officers' offices at courts	Institutional Capacity Building and Human Resources Program		

## **Pillar (5) – Enhance Communication Channels between the Judicial Authority and Other Institutions**

This component focuses on strengthening communication channels between the Judicial Authority and the other various official and unofficial institutions, including civil society organizations. This should be done in order to achieve the enhancement of transparency by supporting the cooperation relationship with the Bar Association, law schools, civil society organizations, and media institutions, in addition to developing the relationship with security institutions and other related official institutions. The purpose of this complementary relationship is to provide awareness about the Judicial Authority and to support the efforts directed towards the realization of judicial independence and its development efforts, in addition to creating a legal culture which supports the society's awareness and lays the groundwork needed for building a modern state based on partnership, accountability and the rule of law. This component has five main goals which represent the actual and effective partners in developing the performance of the Judicial Authority and supporting its independence.

### **1. Institutionalize Cooperative Relationship with the Jordanian Bar Association**

The principle of legal practice independence is significant because the legal practice is the Judiciary's main partner in establishing justice and maintaining the rule of law. A lawyer, therefore, has to have integrity when practicing his/her profession and must possess the needed competency to do so. A lawyer must have qualities of judges, such as neutrality, integrity, and morals.

The Bar Association Law guarantees the independence of the legal profession from the State's authorities. It also limits legal practice to lawyers in the presence of a legal framework which oversees all aspects of the profession. The Bar Association has financial and administrative independence, in addition to the authority for disciplining lawyers and holding them accountable. The Bar Association must have a free will recognized by the law, which guarantees the free election of its administration without outside interference. The Bar Association should defend the Judicial Authority and protect the Judicial Authority's integrity and independence. It should also cooperate with the Judicial Authority through dialogue for the benefit of justice and the development of judicial work.

Due to the main role the Bar Association plays as the primary partner in achieving justice and integrity, in cooperation with the court's judge, the Judicial Authority's Strategy allocated a special goal directed towards the institutionalization of its partnership with the Judicial Authority. This goal is built on cooperation, through the following activities and programs:

- Participate in reviewing legislation related to the Judiciary
- Establish a joint committee between the Judicial Authority and the Bar Association to strengthen the cooperation between both institutions
- Establish mechanisms to improve communication between the Judicial Authority and the Bar Association

- Develop plans that contribute to enhancing the legal profession through training programs, workshops and joint meetings

## **2. Enhance Cooperation and Coordination with Law Schools**

The cooperation and coordination between the Judicial Authority and law schools in the various Jordanian universities and academic institutions is strategic. It provides the Judiciary with local qualified human resources to work as judges or lawyers. In order for law schools to sustain judicial work, there should be mutual and continuing coordination mechanisms between the Judiciary and the Jordanian universities that teach law and graduate legal professionals. The mutual coordination shall include many areas such as curricula, teaching methodologies and other important areas of mutual interest, such as:

- Develop a plan that guarantees the participation of judges in the educational process at law schools in order to upgrade the educational outputs
- Provide communication channels between the Judicial Council's Media Department and law schools to provide them with the latest legal developments
- Hold specialized workshops to develop and enhance legal education with the participation of judges
- Provide law school libraries with legal resources and research papers
- Prepare field programs and awareness campaigns targeting the student population, to educate them about the Judicial System and judicial upgrading programs and disseminate legal awareness

## **3. Enhance Cooperation and Coordination with Civil Society Organizations**

Civil society institutions play a vital role in providing objective monitoring over the Judicial Authority and in providing awareness and education related to justice and rule of law to society. It also participates in the legislative process and in strengthening the rule of law. The doctrine of accountability and transparency is the basis for a healthy relationship between the Judicial Authority and civil society organizations. The Judiciary is responsible before all citizens and shall establish the basis of justice and gain the public confidence in the rule of law. It shall also provide the public with reports regarding its activities and functions. On the other hand, civil society institutions and organizations are responsible for monitoring and defending public rights. In order for such institutions to play such an important role, they must be democratic institutions which are independent and administratively and financially well-organized. All of this requires both parties to coordinate and cooperate in order to create an active partnership. This will help to achieve their mutual goals and define the framework that governs the relationship between them in an objective and institutionalized manner. The following summarizes what must be done in this area:

- Establish coordination mechanisms between the Judicial Council and various civil society organizations
- Hold educational programs targeting civil society organizations that focus on the Judiciary's role in all aspects
- Design mutual programs and campaigns in order to educate the society about the rule of law

## **4. Activate and Develop Relations with the Media**

The media plays an important role in society. It is a very important channel of direct communication between the Judicial Authority and the public. It serves as an educating tool, where it raises the public's level of knowledge regarding judicial procedures and the general and special requirements to access justice. The more the public is aware of the importance of the judiciary and its achievements, the more the public becomes confident of the judiciary and its personnel.

In order to achieve a true partnership between the Judicial Authority and the media, the Judicial Authority must prepare a media plan in partnership with media institutions. It is important that the plan has a clear media message and aims at educating the public about the judiciary and the legal system so as to establish respect for the rule of law. To achieve this alliance between the Judicial Authority and the media, they must:

- Prepare a media strategy for the Judicial Authority
- Qualify media section personnel at the Media Relations Directorate
- Establish clear rules that govern the relationship between the judiciary and the media
- Hold training programs for judges on how to interact with the media
- Develop a work plan regarding the role of the media in relation to the dissemination of legal awareness
- Hold joint periodic conferences and meetings to strengthen the cooperation with the media
- Analyze news as to how it relates to the Judiciary, under the auspices of competent Judicial Authority
- Establish the official position of Judicial Authority Spokesperson

##### **5. Develop Work Procedures with Government Institutions and Security Institutions**

This goal focuses on the importance of cooperation between the Judicial Authority and governmental/security institutions. The functions of these institutions overlap with some Judiciary functions, such as: documents issued by governmental institutions, which are required by the Judiciary; the joint work related to the comprehensive development and Constitutional reform and other issues; and the coordination and partnership between the Judiciary and the security institutions directed to serve the public. The following are the main activities that would realize this goal:

- Establish a relationship with the Civil Service Bureau
- Establish a joint relationship with the General Security Structures, particularly the Judicial Execution Directorate, police stations, and criminal investigation
- Activate the Judiciary's supervision over correctional facilities, rehabilitation centers, and the family protection directorate
- Strengthen cooperation with juvenile care centers
- Activate cooperation mechanisms with the Civil Status Directorate

<b>Pillar 5 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators</b>	<b>KPIs Measurement Tools</b>

<b>5. Enhance Communication Channels between the Judicial Authority and Other Institutions</b>		<b>5.1 Complete communication principles and mechanisms with public and unofficial entities for implementation</b> <b>5.2 Improve the level of satisfaction among representatives of public and unofficial entities on coordination and communication mechanisms with the Judicial Authority</b>	1. Review reports and documents to identify communication principles with different entities 2. Conduct a survey to ascertain levels of satisfaction with the communication and coordination mechanisms of the Judicial Authority among relevant entities
<b>5.1 Institutionalize relations of cooperation with the Jordanian Bar Association</b>			
5.1.1 Participate in reviewing the legislation related to the Judiciary.	Legislation Program		
5.1.2 Establish a joint committee between the Judicial Authority and the Bar Association to strengthen the cooperation between both institutions	Communications Program		
5.1.3 Establish mechanisms to improve the communications between the Judicial Authority and the Bar Association	Communications Program		
5.1.4 Develop plans that contribute to enhancing the legal profession through training programs, workshops and joint meetings	Studies, Research, Planning and Opinion Surveying Program		
<b>5.2 Enhance Cooperation and Coordination with Law Schools</b>		5.2 Complete the institutional framework for the relationship between the Judicial Authority and law schools	Review reports and documents to identify communication principles with law schools

5.2.1	Develop a plan that guarantees the participation of judges in the educational process at law schools in order to upgrade the educational outputs	Studies, Research, Planning and Opinion Surveying Program		
5.2.2	Provide communication channels between the Judicial Council's Media Department and law schools to provide them with the latest new legal developments	Communications Program		
5.2.3	Hold specialized workshops to develop and enhance legal education with the participation of judges	Awareness and Education Program		
5.2.4	Prepare field programs and awareness campaigns targeting the student population to educate them about the Judicial System and judicial upgrading programs and disseminate legal awareness	Awareness and Education Program		
5.3	<b>Enhance Cooperation and Coordination with Civil Society Organizations</b>		<b>5.3 Complete the organizational framework for the relationship between the Judicial Authority and civil society organizations</b> <b>5.4 Improve levels of satisfaction among civil society organizations on cooperating and coordinating with the Judicial Authority</b>	1. Review reports and documents to identify communication principles with civil society organizations 2. Conduct a survey to ascertain levels of satisfaction among civil society organizations with the communication and coordination of the Judicial Authority
5.3.1	Establish coordination mechanisms between the Judicial Council and various civil society organizations	Communications Program		



5.3.2	Hold educational programs targeting civil society organizations that focus on the Judiciary's role in all aspects	Awareness and Education Program		
5.3.3	Design mutual programs and campaigns in order to educate the society about the rule of law	Awareness and Education Program		
5.4	<b>Activate and Develop Relations with the Media</b>		5.4.1 Complete the organizational framework for the relationship between the Judicial Authority and the media 5.4.2 Improve levels of satisfaction among the media on cooperation and coordination mechanisms with the Judicial Authority 5.4.3 Increase the number of programs covered by the media	1. Review reports and documents to identify communication principles with the media 2. Conduct a survey to ascertain level of satisfaction among media organizations with the communication and coordination mechanisms of the Judicial Authority
5.4.1	Prepare a media strategy for the Judicial Authority	Studies, Research, Planning and Opinion Surveying Program		
5.4.2	Qualify media section personnel at the Media Relations Directorate	Training and Specialization Program		
5.4.3	Establish clear rules that govern the relationship between the judiciary and the media	Communications Program		
5.4.4	Hold training programs for judges on how to handle the media	Training and Specialization Program		
5.4.5	Develop a work plan regarding the role of the media in relation to the dissemination of legal awareness	Training and Specialization Program		

5.4.6	Hold periodic conferences and meetings to strengthen the cooperation with the media	Communications Program		
5.4.7	Analyze news as to how it relates to the Judiciary under the auspices of the competent Judicial Authority	Communications Program		
5.4.8	Establish the official position of Judicial Authority Spokesperson	Institutional Capacity Building and Human Resources Program		
5.5	<b>Develop Work Procedures with Government Institutions and Security Apparatuses</b>		5.5.1 Complete the organizational framework for the relationship between the Judicial Authority and security apparatuses 5.5.2 Improve levels of satisfaction with the Judicial Authority among security apparatuses on cooperation and coordination mechanisms	1. Review reports and documents to identify communication principles with security apparatuses 2. Conduct a survey to ascertain level of satisfaction among government and security entities with the communication and coordination mechanisms of the Judicial Authority
5.5.1	Establish a relationship with the Civil Service Bureau	Communications Program		
5.5.2	Establish a joint relationship with the General Security Apparatus, particularly the Judicial Execution Directorate, police stations, and criminal investigation. Activate the Judiciary's supervision over correctional facilities, rehabilitation centers, and the family protection directorate.	Communications Program		
5.5.3	Strengthen cooperation	Communications Program		

	with juvenile care centers	ons Program		
5.5.4	Activate cooperation mechanisms with the Civil Status Directorate	Communications Program		

## **Pillar (6) – Contribute to Building Public Confidence in the Rule of Law**

The main reasons that lead to stronger and enhanced public trust and confidence in the judiciary is the ease and access to justice, the ability to secure their rights within a reasonable time, and providing litigants with a fair trial. The public's knowledge of the main functions of the Judiciary and case procedures would facilitate the work of judges and lawyers, which would eventually expedite the litigation process and the disposition of such cases. This component contains four main goals: 1) the public's access to justice 2) integrating the legal culture with the educational system 3) educating the public about the role of the Judicial Authority by publicizing judicial reform efforts, and 4) educating citizens with respect to their rights and equality before the law.

### **1. Contribute to the Facilitation of Access to Justice**

In order to provide citizens with access to justice, they should be provided with all needed information and should know their rights. Additionally, making litigation affordable to all plays an important role, as well as a time frame needed to conclude cases by the courts. With all of this available and transparent to the public, litigants are motivated to refer their disputes to courts. The following also needs to happen in this regard:

- Coordination and cooperation between the Judicial Authority and legal aid centers
- Unify and use signage systems in all courts across the Kingdom
- Issue guides related to the services provided by the courts

### **2. Contribute to Integrating the Legal Culture within the Educational System**

Integrating the legal culture within the educational system can be achieved by partnering with official educational institutions. It is important to integrate the legal and constitutional culture within the educational curricula in order to create a generation that is aware of its constitutional rights and duties. In this regard, the following must be done:

- Prepare a Memoranda of Understanding between the Judicial Authority, the Ministry of Education, and the Ministry of Higher Education in order to strengthen legal education and knowledge
- Participation of judges in legal education development workshops
- Prepare awareness campaigns related to legal culture and the judicial system, targeting university and school students
- Prepare awareness campaigns related to legal culture and the judicial system targeting university and school teachers

### **3. Contribute to Building Public Awareness on the Role of the Judicial Authority and its Judicial Upgrade Efforts**

The Judicial Authority has earned many achievements that the Jordanian society can be proud of, despite internal and external challenges. Citizens should be aware of the nature of both the achievements and the challenges which faced the Judicial Authority. Citizens also have the right to know the quality of services the various judicial departments offer the public and the extent of the public's

satisfaction to these services. Being aware enhances effective communication between the Judicial Authority and the public receiving its services. This should be done through the following:

- Enhance and develop the website in order to communicate with the public and provide them with needed information
- Develop media programs related to the role of the Judiciary
- Distribute the Judiciary magazine to educate the public about the role of the judiciary in strengthening the rule of law
- Publish and distribute leaflets and newsletters that focus on judicial development programs

#### **4. Contribute to Building Awareness of Citizen Rights, Duties, Basic Freedoms and their Equality before the Law under a Rule of Law State**

What Jordan is witnessing today calls for reform and the establishment of the rule of law and state institutions, in addition to positive steps that have been taken in support of the Constitutional amendments. The reform process must be supported by raising the legal awareness of the public and educating society about its rights, duties and freedoms. Work can be also done in the following areas:

- Develop media programs to educate the public about their basic rights, freedoms and duties
- Utilize the Judicial Authority's website to increase public awareness regarding individual rights and freedoms
- Conduct polls and opinion surveys to enhance the public's knowledge of individual rights, freedoms and duties
- Publish pamphlets, informational signs and leaflets to educate citizens about their basic duties and rights
- Participate in conferences, workshops and other activities related to legal awareness

<b>Pillar 6 Matrix: Objectives, Activities, Programs, KPIs and Their Measurement Tools</b>			
<b>Activities</b>	<b>Program</b>	<b>Key Performance Indicators</b>	<b>KPIs Measurement Tools</b>
<b>6. Contribute to Building Public Confidence in the Rule of Law</b>		<b>6. Improved public confidence in the fairness of the judiciary and the rule of law</b>	Conduct an opinion survey on a national sample to identify improvement in public confidence of the fairness of the judiciary and the rule of law
<b>6.1 Contribute to the</b>		<b>6.1 Improve</b>	<b>Conduct an</b>

<b>facilitation of access to justice</b>		satisfaction among litigants in courts and access to justice	opinion survey among a sample of court users to identify improvement in the area of facilitating access to justice
6.1.1 Coordination and cooperation between the Judicial Authority and legal aid centers	Communications Program		
6.1.2 Unify and use signage systems in all courts across the Kingdom	Awareness and Education Program		
6.1.3 Issue guides related to the services provided by the courts	Awareness and Education Program		
<b>6.2 Contribute to integrating the legal culture within the educational systems</b>			
6.2.1 Prepare Memoranda of Understanding between the Judicial Authority, the Ministry of Education, and the Ministry of Higher Education in order to strengthen legal education and knowledge	Communications Program	6.2.1 Increase the amount of legal information taught in the national educational curricula 6.2.1 Increase the number of legal activities in cooperation with educational and institutional organizations to enhance legal awareness	1. Review Judicial Council reports to identify the quality of curricula that included legal education 2. Identify the number and types of activities implemented in the legal awareness field 3. Identify the number and type of MOUs signed with public institutions
6.2.2 Participation of judges in legal education development workshops	Awareness and Education Program		
6.2.3 Prepare awareness campaigns related to legal culture and the judicial system, targeting university and school students	Awareness and Education Program		
6.2.4 Prepare awareness campaigns related to legal culture and the judicial system, targeting university and school teachers	Awareness and Education Program		

<b>6.3 Contribute to Building Public Awareness on the Role of the Judicial Authority and its Judicial Upgrade Efforts</b>		6.3 Improve public awareness of and confidence in the role and efforts of the judicial authority	1. Conduct a survey study on a national sample to identify knowledge among the public of the role of the judicial authority and judicial development efforts 2. Review reports issued by the Judicial Council to identify activities that were implemented to raise awareness on the role of the Judicial Authority and judicial development efforts
6.3.1 Enhance and develop the website in order to communicate with the public and provide them with needed information	Communications Program		
6.3.2 Develop media programs related to the role of the Judiciary	Awareness and Education Program		
6.3.3 Distribute the Judiciary magazine to educate the public about the role of the judiciary in strengthening the rule of law	Awareness and Education Program		
6.3.4 Publish and distribute leaflets and newsletters that focus on judicial development programs	Awareness and Education Program		
<b>6.4 Contribute to Building Awareness of Citizen Rights, Duties, Basic Freedoms and their Equality before the Law under a Rule of Law State</b>		6.4 Improve the level of knowledge among the public about their rights and duties and their equality before the law	1. Conduct a survey study on a national sample to identify knowledge among the public about their rights, duties, and their equality before the law 2. Review reports issued by the Judicial Council to identify the activities that were implemented in the area of raising awareness on the role of the Judicial Authority and judicial development efforts
6.4.1 Develop media programs to educate the public about their basic rights, freedoms and duties	Awareness and Education Program		
6.4.2 Utilize the Judicial Authority's website to increase public awareness regarding rights and freedoms	Communications Program		
6.4.3 Conduct polls and opinion surveys to enhance the public's knowledge of rights, freedoms and duties	Studies, Research, Planning and Opinion Surveying Program		
6.4.4 Publish pamphlets, informational signs and leaflets to educate citizens	Awareness and Education		

	about their basic duties and rights	Program		
6.4.5	Participate in conferences, workshops and other activities related to legal awareness	Awareness and Education Program		

## Performance Indicators and Measuring Systems

### 1. Performance Indicators Development Methodology

Performance indicators constitute one of the most successful methods for measuring the degree of success the Judicial Authority has in achieving its defined goals stated in its Strategy, reflecting the Judicial Authority's vision, in addition to measuring the achievements related to the Strategy's main components and objectives, activities and programs. The Judicial Authority's performance indicators were defined based on the nature of the functions and roles it plays, which had been reflected in its Strategy according to the following:

1. Establishing the basis of the Judicial Authority independence from both the Executive and Legislative branches, including the institutional independence and the individual independence of judges, protected by applicable legislation, laws and regulations
2. The quality of services provided to society reflected in the fairness of the Judiciary, its integrity, and impartiality under the rule of law
3. The quality of the litigating environment in relation to the courts' infrastructure and the logistical services it provides
4. The disposition of cases without any undue delays and preventing the accumulation of cases
5. The public degree of awareness in relation to the laws which stipulate individual rights, duties, and basic freedoms, the equality which is guaranteed by the Constitution, and the confidence in the actions taken by the Judiciary which are related to reform and development
6. The effectiveness of communication with the Judicial Authority's partners-official and unofficial institutions, civil society organizations, universities, and other related bodies

The previous tables show the indicators related to the main strategy components and goals in addition to the methodology for measuring performance. Defining the performance indicators and the methodology of measuring them was based on the following standards:

1. The performance indicator for each main component and its goals was defined according to the expected outputs for each component and goals



2. In determining the performance indicator for each component, attention was given to goals needed to achieve the main component
3. In determining the performance indicators for the goals, attention was given to the nature of the activities and programs which realize such goals
4. There is a logical integration and consistency between the performance indicators of the main components, the indicators for the goals, and the indicators related to the activities and programs designed to achieve such goals

## **2. Performance Indicators Measurement Methodology**

A number of adopted measuring tools were used according to the following:

1. Review of documents and reports issued by the Judicial Council and its related institutions
2. Publish studies, articles, and statistical data
3. Conduct survey and performance evaluation studies through the use of questionnaires directed to various target groups
4. Conduct face-to-face interviews with related officials and individuals

### **Chapter Three**

## **The Matrix of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 – 2014**

## **The Matrix of Programs and Objectives of the Judicial Authority Strategic Plan for 2012 - 2014**

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The following table included in this chapter shows the division of the activities according to the goals which it will achieve according the following:

- 1) The Legislation Program: This program represents the laws, legislation and regulations which regulate the Judicial Authority's functions. It includes (25) different activities divided into (12) goals.
- 2) Training and Specialization Program: This program contains the different types of the training programs related to the Judicial Authority, judges, their assistants and the courts' administrative staff. This program includes (25) different activities divided into (12) goals.
- 3) Institutional Capacity Building and Human Resources Program: This program includes the work related to the development and modernization of the infrastructure and equipment, including the information technology equipment and telecommunication tools. This program also deals with the appointment of human resources in the various Judicial Authority departments and institutions, including the appointment of judges. The program includes (51) activities divided into (15) goals.
- 4) Studies, Research, Planning and Opinion Surveying Program: This goal includes all studies, surveys, and the development of executive plans. This goal includes (16) activities, divided into (16) goals.
- 5) Communication Program: This program is directed towards the enhancement of the relationships between the Judicial Authority and the various official and unofficial institutions, including the security apparatuses, civil society organizations, and universities. This program includes (21) activities divided into (14) goals.
- 6) Awareness and Educational Program: This program includes all the activities directed towards educating society with regards to the law- rights, duties, human rights, and the rule of law. This program includes (17) activities divided into (7) goals.

First Component : Establishing the Basis of the Judicial Authority Independence and Building its Institutions						
Objectives	Legislation Program	Training and Specialization Program	Institutional Capacity Building and Human Resources Program	Studies, Research, Planning and Opinion Surveying Program	Communication Program	Awareness and Education Program
<b>1.1 Enhancing the Judicial Authority Institutional Independence</b>	1.1.1 Amending the Independence of the Judiciary Law					
	1.1.2 Amending the Regular Courts' Formation Law					
	1.1.3 Issuing the Administrative Units Amended Regulation					
<b>1.2 The Provision of a Judicial Environment that Supports the Individual Independence of Judges</b>	1.2.1 Reviewing legislation related to judges' individual independence (the Economical Crimes Law, the Criminal Procedures Law)		1.2.6 The establishment of a Judge's Public Services Office in all courts across the Kingdom	1.2.5. Studying the basis and factors related to judges' appointment, secondment , transfer, and termination of post		1.2.4 Educating the judges and the public about the Code of Judicial Ethics and the establishment of a disciplinary system to be applied when the provisions of such code are violated
	1.2.2 Reviewing the legislation which support the judges 'individual independence in order to guarantee their security, receiving sufficient salaries, adequate service conditions and pensions		1.2.7 The creation of a cultural and social forum for judges in accordance with the Constitutional amendments			
	1.2.3 Reviewing the judges' promotion					

**First Component : Establishing the Basis of the Judicial Authority Independence and Building its Institutions**

Objectives	Legislation Program	Training and Specialization Program	Institutional Capacity Building and Human Resources Program	Studies, Research, Planning and Opinion Surveying Program	Communication Program	Awareness and Education Program
	system based on objective factors (efficiency, experience and integrity)					
<b>1.3 Enhancing the Capacities of the Judicial Inspection Directorate and Promoting its Work Methodology</b>	1.3.1 Reviewing the legislative framework related to the Judicial Inspection (moving the supervision over the Judicial Inspection Directorate to the Judicial Council, selection of inspectors, job security, immunity and accountability of inspectors)		1.3.3 Providing the Judicial Inspection Directorate with needed equipment and supplies			
	1.3.2 Reviewing and establishing a set of defined factors that govern the inspectors' functions in addition to the periodical review of such factors		1.3.4 Provide the Judicial Inspection Directorate with qualified and experienced judicial staff			
<b>1.4 Enhancing the Institutional Capabilities of the Judicial Institute</b>	1.4.1 Reviewing the Judicial Institute's legislative framework	1.4.2 The creation of a training curriculum to organize field training for the Institute's students and graduates	1.4.3 Reviewing and enhancing the Future Judges' Program	1.4.4 Reviewing the Diploma curricula, with emphasis on practical and academic training		
			1.4.5 Provide the Judicial Institute with a			

**First Component : Establishing the Basis of the Judicial Authority Independence and Building its Institutions**

Objectives	Legislation Program	Training and Specialization Program	Institutional Capacity Building and Human Resources Program	Studies, Research, Planning and Opinion Surveying Program	Communication Program	Awareness and Education Program
			faculty that has judicial experience and a defined objective criteria			
			1.4.6 Reviewing the students selection criteria based on the Judicial Authority's needs			
			1.4.7 Continue the recruitment of more qualified persons to study law and to qualify them based on the Judicial Authority's needs			
<b>1.5 Enabling and Enhancing the Role of the Administrative Units in order to Support and Improve the Judicial Council's Functions</b>	1.5.1 Activating the Administrative Units' Regulation (based on its adoption)	1.5.5 Establishing training programs in all related fields to be offered to Administrative Units staff members	1.5.3 The development (and continued enhancement) of an automated system to be used by the Administrative Units (Judges' Affairs System)	1.5.2 Developing the Judicial Council's Annual Work Plan to guarantee the implementation of the Strategy		
			1.5.4 Providing the Units with qualified judicial and administrative personnel	1.5.5 Exchange expertise and knowledge of best practices in this field both regionally and internationally		

**First Component : Establishing the Basis of the Judicial Authority Independence and Building its Institutions**

Objectives	Legislation Program	Training and Specialization Program	Institutional Capacity Building and Human Resources Program	Studies, Research, Planning and Opinion Surveying Program	Communication Program	Awareness and Education Program
<b>1.6 Enabling and Enhancing the Technical Office</b>			1.6.2 Increasing the number of judges working at the Technical Office, in accordance with the work volume		1.6.1 Establishing defined mechanisms to provide courts with the newest legislation and judicial precedents	
			1.6.3 Establishing a specialized legal library (provide such library with modern legal books and references)			
			1.6.4 Providing the Technical Office with needed administrative staff			
<b>1.7 Enabling and Supporting the Civil Public Attorney's Department</b>	1.7.1 Reviewing the related legislations		1.7.2 Enhancing mechanisms used to appoint the members of the Civil Public Attorney's Department			